California Part-Time Faculty Association

CPFA NEWS

Serving 38,000 Non-tenure Track Faculty in the California Community Colleges

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Schwarzenegger vetoes office hour, health fund augmentations; Angelides says he'll fight for equal pay for part-time faculty

-- Sandra Baringer

A long-term push to fully fund the state budget line items for part-time faculty office hours and health insurance ended in defeat with Governor Schwarzenegger's veto in late June. These funds were originally established at \$1 million apiece in 1999 in accordance with legislation to provide incentives to community college districts to compensate part-time faculty for holding office hours to meet with students, and to make health insurance available to those who need it

The health insurance program was set up to pay 50% of health insurance premiums for part-timers who enrolled in such programs, and the office hour program provided similar reimbursement to districts.

But districts who set up health insurance programs for part-time faculty soon found that the state reimbursement budget ran out, so that districts were not getting their full 50% reimbursements. This in turn discouraged other districts from setting up health insurance programs for their own part-timers, since the subsidy from the state was diminishing farther and farther below 50%.

It was hoped that this problem would be remedied when the Community College Board of Governors came on board with faculty organizations last March to add \$9 million to the previous year's line items in the state budget, bringing the health insurance fund up from \$1 million to \$5 million, and the more

successful office hour program up from \$7.2 to \$11.2 million. The legislature approved these augmentations, but the governor then used his line item veto power to strike them.

Schwarzenegger's veto message stated, "The part-time faculty programs were established to provide incentive grants to districts to increase their investments in part-time faculty benefits and were not intended to require additional state contributions. Given the significant increases in general purpose funding in this budget, districts have more than adequate resources to support these programs at local discretion"

The veto message clearly implies that the governor considers the part-time salary parity fund to be a matter for "local discretion" as well. According to the CFT resolution passed on this issue in 2005, the part-time salary parity fund was originally intended to start at \$80 million in 2001 and increase to \$160 million in the second year and \$240 million in the third year. Instead, it was reduced to \$57 million in the first two years and then to \$50, 828,000, where it now stands, despite increased state revenues.

Gubernatorial candidate Phil Angelides has called for full salary parity between part-time and full-time faculty. He states, "I support salary equity for part time faculty to ensure that the state of California can continue to attract and retain talented and dedicated people in our community and state colleges and universities. ... I believe contingent faculty should be paid fully for their teaching duties – including paid office hours, committee and governance work – whatever duties their full-time faculty counterparts are paid for.

"As Governor, I will fight for part-time pay parity and compensation for work performed by their full-time counterparts, including health and retirement benefits, and will remain unequivocal in my support for a stable and funded defined benefit pension program."

Angelides is the first gubernatorial candidate from either of the two major parties to take a clear position on equal pay for equal work for part-time faculty, though Peter Camaejo, Green Party candidate, expressed support for the concept in his 2002 campaign.



AFT's Larry Gold announces new legislative campaign on part-time and contingent labor issues at COCAL conference in Vancouver. Story p. 6.

Analysis:

The Life & Death of SB 847

-- Martin M. Goldstein, CPFA Legislative Analyst

SB 847, the bill proposed and nurtured by CPFA, the bill we created to change the ugly and dysfunctional "60% Law," that Reagan-era relic that forces most of us to become freeway flyers in search of enough classes to eek out a living, is dead.

Sen. Denise Ducheny, who initially sponsored it at CPFA's request, indicated that Marty Hittelman and CFT were the primary reasons the 80% legislation was withdrawn, and that FACCC and CCA/CTA had no particular bearing on the decision. Between Hittelman's longstanding public and private opposition, and the passive-aggressive behavior of FACCC, the state academic Senate, and some other unions, the bill was quite simply dead before arrival.

It was killed, we must conclude sadly, by our full-time colleagues, strangled in the cradle before it even

had a chance to be heard and debated in the legislature. The organizations of the administrators and trustees, and the Board of Governors, were not against it, and virtually all part-timers were for it. But the lesson we learned is that if the full-time faculty organizations, especially the unions, are not united behind a change, it will not happen.

It was a harsh lesson, but one we had to learn. As Sen. Ducheny said to us (David Milroy, CCA/CTA secretary Corina Soto, and myself) when we met with her on September 12, elected representatives cannot — or at least will not — interfere in the internal politics of the teachers unions. They cannot go around the full-time opposition in support of part-time rights, even if, as Ducheny clearly felt, we are being unfairly

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Chair report

A lesson I have been learning lately is that if you want to improve the situation on your campus, you probably should think about trying to change the members of your board of trustees. It also flows that if you want to improve working conditions in all of California's now 104 community colleges...you need to look into working with your local legislators. If they won't talk to you...then perhaps it's time you found a new candidate for that seat who will consider equality, education, fair employment and the welfare of all of our teachers and students ...who are the future of our great state!

At each one of the colleges where I teach in San Diego County, the locals or PACs are busy supporting candidates for their boards of trustees. Trustees who have been on the board for too long and have lost sight of the true priorities of our community colleges sometimes have to be helped to move on to other activities where they will do less damage. We have found excellent candidates who are present or former educators, both in K-12 and at the college level. Candidates who realize that their first responsibility is to offering our students the finest education we can give them, and not in making sure that there is a hefty surplus at the end of the fiscal year!

On a different level, our state legislators are our key to making substantive changes to the laws that govern our daily professional lives. The Education Code covers everything and is basically carved in stone, until we come along and succeed in re-carving some of its out-dated language. For instance, the Ed. Code limits all PTers to a 60% teaching load. Last spring, CPFA worked closely with Senator Denise Ducheny to change this to an 80%, which would allow PTers to teach more classes per campus and to commute many hundred fewer miles each week. The support from legislators, administrators and our part-time colleagues around the state was tremendous.

Unfortunately, the support from our full-time colleagues who work along side us every day and see us dashing from campus to campus in an effort to make a living in our chosen profession...was totally lacking. The Academic Senate turned a deaf ear on our concerns and the large faculty unions went out of their way to make sure that no improvements to the lives of freeway flyers was going to happen on their watch

There are many other issues that affect parttime faculty. The biggest concern is pay equity, or the difference between what a PTer makes for teaching a full load or more on many campuses versus what a FTer makes for teaching on one campus. The Parity



Assembly Speaker Fabian Nuñez and candidate for re-election Assemblymember Lori Saldaña spoke with CPFA Chair David Milroy at a fundraising event on Friday, September 22.

Fund, currently around \$50 million, is spread thinly around the state with varying results. In some colleges it increased PT hourly rates by 11% or more. In other colleges, it hasn't even been disbursed, or worse yet...the lion's share has gone to full-time faculty teaching over-load classes. If we are going to have a chance of overcoming pay discrimination, which is the community college system's primary reason for its over-reliance on part-time faculty, than we will have to ask our legislators to take a serious look at the community college system and compare it to the other institutions of higher education...the UC and CSUs. They have lecturers with pro-rata pay, health benefits, office hours and the other trappings of full-time professionals...and their systems have not collapsed. Why would we want to continue being the only educational system in the state that treats more than half of its instructors like third class citizens? Is Equal Pay for Equal Work that difficult a concept for our unions to understand? I am certain that our legislators would agree with us that our working conditions are deplorable and that we and our students deserve a system that honors educators, students, and equality in education and employment.

Of course job security for part-time faculty is another extremely important issue which receives a cool welcome at best on many campuses. At one of my colleges, I was told at the bargaining table that we were too well paid to get job security and that the college wanted to reap the benefit of its most recent salary negotiations. Does this sound like they want to get rid of some of the senior and more expensive part-

Chair report - continued on page 3

CPFA MISSION STATEMENT

The Mission of the California Part-Time Faculty Association (CPFA) is to create the opportunity for community college students to have equal access to quality education by promoting professional equity for all faculty. As educators, we understand that only with faculty who share equally in the responsibilities and rewards of the profession can such opportunity for academic success and education be afforded students in the California Community College system.

Students, therefore, must be provided with faculty, whether employed full-time or part-time, who undergo the same rigorous hiring, evaluation, and promotional processes; who are compensated for preparing lesson plans, grading assignments, and advising students; who are compensated for participating in departmental meetings and serving on professional committees, including the shared governance process; who are provided with the peace of mind that health and retirement benefits provide; who are provided with the protection of due process and academic freedom; and who are able to invest in their professional future through

a system for building tenure or seniority, including, in the case of part-time faculty, preference for full-time hiring.

In this regard, CPFA is dedicated to achieving our mission by:

- Encouraging practices and policies that ensure our faculty is as diverse as the students we serve;
- Educating the public, as well as students, faculty, administrators and legislators, about part-time faculty concerns and issues;
- · Serving as a coalition and resource base for all individuals
- and organizations interested in promoting professional equity;
- Working to complement, enhance, and reinvigorate the work that is already being done in faculty organizations, statewide and nationally, who share our mission;
- Creating alliances with other faculty, academic, labor, or social organizations, statewide or nationally, who share our goals;
- · Seeking legislative means to achieve our goals

Welcome to CPFA NEWS!

CPFA is the first statewide organization in California created by and for part-time faculty. Our mission is to promote professional equity for all faculty in the California Community College system by ending the exploitation of part-time faculty.

As such, we are promoting communication among part-timers across the state; educating the public and the academic community about part-time faculty issues; and serving as a resource base for part-timers working to improve the quality of education by improving the working conditions of over 65% of the faculty. This newspaper is one way we hope to achieve our mission.

CPFA News is published in the fall and spring, and distributed statewide to 107 community college campuses. Send your letters, ideas and articles to sbaringer@hughes.net.

--Sandra Baringer, CPFA News Editor

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To Submit Letters, Articles, and Story Ideas: Email submissions preferred. Letters limited to 300 words and articles to 700 words. Include your name, address, phone number and email address with each submission. Letters and articles may be edited. News briefs on union organizing or contract negotiations for part-timers are particularly welcome. We are also looking for personal interest stories and opinion pieces.

r (sbaringer@hughes.net) or an.rr.com).

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Meet with your legislators - a how-to guide

Peggy McCormack

Every one of us has at least one Assembly member, and one State Senator. Some of the Freeway Flyers have extra. The first thing you have to do is find out the names, addresses and telephone numbers of your representatives. The easiest way to do this is:

- Go to your computer, Google the California State Legislature, and a page comes up asking for a zip code to find your legislator. Put in your own zip code, and the zip codes of your school district (s)
- Find the district offices of both the Senators and the Assembly members, and their respective phone numbers.

You can also use a computer research engine to find out about these people, their various committees, and how they vote, where they went to school, were they in the military, do they have family? Discover their interests. **Please don't write-off your legislator as too conservative**, or some other identification. They **all** need to be seen. Our organization is in a strange position to be able to work with all of them

After you have done your research on your legislator, call the district office. Ask to speak with the scheduling secretary. Get to know that person's name. Tell the person what you want to do. Be prepared to say, "Hi, I am Joe Jones and I teach parttime at Jujubee College. I want to bring a couple of other part time teachers in to meet with Assembly member xxxxxx, in the district and I want to know how best to set up a meeting." Do not be surprised if the scheduler asks for a letter. They have a lot of requests, and they have to organize the legislator's calendar accordingly. Sit down immediately and write a short, one page letter on CPFA stationery (if you don't have it, e-mail your regional rep and he/she can send a piece), include the names of the individuals who are going to the meeting, outline very briefly a couple of issues you want to talk about (part-time teaching loads, equity pay, office hours). Indicate in your letter that this legislative session was better than last session (and if your legislator voted for your legislation thank him or her), but you want to ask them for their help in how to do the job better. Don't settle for meeting the staff. Be polite but persistent with the scheduler until you get an exact time and date in the district to meet. Remember, when sending letters use the proper format: The Honorable Assemblyman, or Assemblywoman, or Senator. Dear Assemblyman Hicks.

Call a few days before the meeting to ensure you are still on the calendar with the legislator. Be prepared for rescheduling and delays. Do your homework on what you wish to talk about and write down some points on a piece of paper. We know our topics — health care, equity pay, office hours, 80%, student fees, k-12 percentages – some of your legislators will know these issues very well, and others will know zero.

When you get to the meeting, be a little early. Make sure your little group is all on board of who talks first, and who will handle which issue. One of the biggest mistakes constituents make is they do all the talking. Plan your meeting so that you can get the legislator to talk. Introduce yourselves (self). If you can, make some cards on your computer if you don't have any. They live on your business cards. There

may be a moment of "chit-chat" but don't let it go on more than 60 seconds. Start out by mentioning your issues, and then ask the legislator what if anything he or she has as a suggestion to improve your approach to the legislature on these items. Let the legislator ask you for a little more information. They may know absolutely zero, but if they ask for the information, they then can own it. Take very short info sheets on your three high priority items: e.g., equal pay, access to health insurance, equalization (K-12 and Community Colleges). Keep your topics focused, and probably limit yourself to three topics. Do not let your legislator drift off on any other topic, gun control, abortion, immigration, because your only interest is helping kids learn. And finally, tell them your organization is planning to sponsor legislation to do a., b., or c and ask for their support, or even cosponsorship. Don't be surprised if they don't give you a direct answer. They will want wiggle room unless it is something they really want themselves.

Some of your most progressive and liberal legislators might be totally opposed to our issues. LET THEM TALK, and make sure you have all their points. **Do not argue with them**. Save the information, and be prepared to respond to them later. Let him or her know that you would like to get back to him/her on these points later. They will probably support you on some other issues.

Don't answer anything if you do not know the answer. Just say, "I'll get back to you with that information by Wednesday of next week." Do not drift off into technical data. Tell them you will definitely follow up with that information.

Watch the time. Nothing makes your next visit harder than to drag the meeting too long. As soon as you have covered your issues, gotten feedback from the legislator, the leader of the group needs to say a profound thank you, and tell the legislator you look forward to seeing him again in the district (that is a hint to be invited to happenings in the district)..

After the meeting **immediately** sit down with your group, or by yourself and write up a summary of the meeting. This is important because you will forget stuff. Immediately send a thank you letter outlining what you talked about. If you have to send some

Chair report - continued from p. 2

timers? Hey..it doesn't matter what you gain in salary and benefits if you aren't there to enjoy it! Legislation may just be the way to force colleges to base their hiring decisions on performance instead of on how much a certain teacher costs the district.

What can you do? Do you know your Senator? Your Assemblyperson? If you go to the following site-www.legislature.ca.gov/legislators and districts/ legislators/your legislator.html - you will get the names and contact information for your representatives. Then, get a small group of three or four part-timers, perhaps your PT union reps, and make an appointment to go talk with these people who were elected to take your voice to the capitol. For the most part, they all want to hear from you and those who don't, well...there is an election coming up in November...Get out there and vote and encourage your students to vote for their future. Vote for politicians who will listen to the people and act in our best interests and not only in the interests of those who wield economic and political power.

As my dear friend and Assembly member Lori Saldana said at a recent campaign event, "A politician's primary purpose is to speak up for those who have no voice in our community". I sure like my Assemblyperson. How about you?

-- David Milroy

quote of the season:

Our challenge seems to be to get legislators to treat us like the 800 pound gorilla everyone seems to think teachers unions are.

We are that gorilla, but they treat us like a rhesus monkey, giving us a peanut every once in a while but kicking us or just ignoring us when it suits them.

- Mike Dixon 7/5/06

information, do it with the thank you letter. Send copies of both the letter and the summary to David Milroy.

By the end of the year we should have every legislator inside a folder. In the future I'll give you some tips on how to attend expensive fundraisers with no money.



Back to the Sixties: The Origin of the 60% Law

-- Martin Goldstein, CPFA Legislative Analyst

"Notwithstanding any other provision of law, any person who is employed to teach adult or community college classes for not more than sixty percent of the hours per week considered a full-time assignment for regular employees having comparable duties shall be classified as a temporary employee, and shall not become a contract employee. . . "

This provision of the Education Code, commonly known as "The 60% Law," was added in 1967 through SB 316. Why? Where did it come from? Whose idea was it? What was it intended to do? What, in fact, did it do?

Given that the current statewide discussion and debate about changing the so-called "60% Law," it seems not just reasonable but necessary to ask and answer those questions. To do so I am using archival legislative documents provided by FACCC to its own Board of Directors to prepare them for this discussion of the 60% Law change. With them we can reconstruct at least part of the history of this particular piece of legislative language.

First, a little background. The initial impetus for what became SB 316 was an administrative response to problems that had developed in the "junior colleges"

of the then K-14 system arising from the new federal aid to education programs. These Great Society aid packages often came with time limitations and unpredictable funding schedules. Local school districts had to hire new teachers to implement the programs using federal money, but those districts did not know if the money would continue.

They feared being forced to hire full-time teachers and grant them tenure only to have the federal government take away the money later. The current law said that if an "adult class" (junior college) teacher taught for more than 4 months, they had to become probationary (contract tenure track) rather than temporary, and from then on could be fired only for cause.

Our paper trail begins with an initial letter from Byron C. Curry, Deputy Superintendent of Schools in San Mateo County to State Sen. Richard J. Dolwig on September 23, 1966. "As you know," he begins, "Junior colleges must accept high school graduates as enrollees in spite of the fact that they may have show little aptitude in their previous schooling. However, once enrolled, the student is below standards can be dropped." Further, he went on, other students begin and drop out of their own accord, leaving a situation in which many more teachers are needed in the first semester than the second.

Looking forward to further problems if they move to the quarter (rather than semester) system, as well as noting the erratic nature of federal funding, he proposed a change in the Education Code allowing one semester (or one quarter) only contracts, rather than the fullyear commitments then standard. In a word, though he did not use it, flexibility.

It is telling that when Sen. Dolwig sent this idea out for comment, advisor Jim Jensen noted he was wary of the proposed change for several reasons, including that "implications of such legislation have not been fully explored. School districts might attempt to 'get around' tenure laws with this section if it becomes law."

However, on Feb. 8, 1967, the same day that Jensen's warning note was sent to Sen. Dolwig, Senator Grunsky and Assemblymember Petris introduced SB 316, which would authorize junior colleges to hire temporary teachers for one semester at a time, with no probationary status earned, so long as they are not hired for more than two semesters in any three year period. Dolwig had bowed out, and Grunsky was carrying effectively the same legislation.

Or was he? In a letter to Governor Reagan on June 26, 1967, Grunsky outlined the full scope of the proposed legislation, which now had the italicized addition to the original wording of the bill: "Senate Bill



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INSIDE HIGHER ED: THE FORWARD THINKING MINDS IN HIGHER EDUCATION

316 allows the district to use hourly teachers without having them become probationary employees, no matter how many months they are employed, provided such persons teach less than sixty percent of the hours considered a full time assignment for permanent employees, and provided they do not employ each person more than two semesters or quarters during any three year period... I trust you will wish to sign Senate Bill 316 into law."

Somewhere between February and June of 1967 "The 60% Law" was born, and the opening to create a permanent untenured underclass of teachers was created. The original law was intended to allow teachers to be hired full-time for one semester or quarter without having to give them permanent positions in case those positions weren't there — i.e. either the money or the students disappeared.

But with the addition of the provision that they can teach every semester — so long as they don't exceed 60% — a protection for fiscally concerned administrators became, as Jensen had warned, an opportunity to simply make an end-run around tenure, with a cheaper and more malleable workforce, the permanent "temporary" employee — the Part-Timer. Whose idea was this? That is an intriguing historical question, one we can't answer yet. What we do know is that newly inaugurated California Governor Ronald Reagan, who had vowed to "clean up the mess at Berkeley" during his campaign, and who was no lover of unions by this point in his career, nor of teachers for that matter, was a clear supporter of this, if not an initiator. With no objections from the Attorney General, and a strong endorsement from Max Rafferty, the Superintendent of Public Instruction, the bill glided through the Senate and Assembly with unanimous approval in both houses by July, and was signed into law by Reagan as Education Code Section 13337.5 (now cited as 87482.5a)

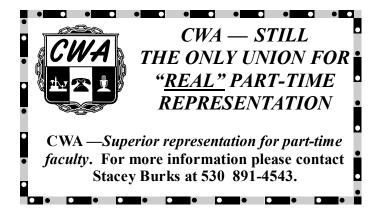
Whosever idea it was, and whatever their intent was, the actual historical effects of this legislation were immediately clear. Within ten years there were 25,000 new "temporary part-time" faculty in the community colleges — instead of 10-15,000 tenured contract positions that were never created. Today there are 18,000 such positions — and 38,000 Part-Timers.

All of these PTers earn substantially less than FTers with the same credentials, qualifications and experience, and none of them have real academic freedom, which can only come from the job security of tenure, which none of them can have. And they have to drive to two or more different districts to earn a living.

The proposed legislation, SB 847 would not have fixed all of those problems — but it would have fixed some of them, and help those involved to work to fix the rest.

Find out why San Francisco Local 2121 received the Lew Stoller Part-time Activist Union Local Award at the AFT convention in Boston in August:

The latest Statewide Part-time/fulltime Salary Comparison Chart is now available on-line at the CPFA News Past Editions link at www.cpfa.org



SB 847 continued from p. 1

exploited and misused by the system. Sen. Ducheny was a gem, a true hero for us, but she cannot do the impossible. And fighting our full-time colleagues and winning, at this point, on this issue, was impossible. So what is to be done? First and foremost we must build an informed statewide consensus on part time issues. In the Legislature, Senator by Senator and Assemblyperson by Assemblyperson, we must inform them about the major issues of concern in the Community College system. We must, yet again, identify the problems and make them public, through hearings and meetings and informal discussions. We must find those legislators who are willing to go to bat for change in the system, and we must support and cultivate them.

At the same time we must carry this fight into our own unions. We must widen the issue beyond the bandaid of changing the 60% Law, to the more comprehensive, if expensive, issues of full parity, including salary, benefits and job security – something all unions should be for. People squawked about the 60% Law change affecting the 75/25 ratios — let's see what they're willing to do to actively enforce 75/25. In my view, the only way it can be done is to create real pay parity – so long as it's cheaper to hire part-timers, they will be hired instead of full time faculty. Once it's not, then, and only then, will be finally achieve 75/25, with those 25% part-time being those actually teaching part-time, rather than those exploited by working full-time schedules for partial wages.

It won't be easy, and it won't happen under Schwarzenegger, and it won't get fixed by the Community College Initiative, though that might help. It will only happen if enough of the Legislature, the unions, the academic organizations, and the public are informed about the issues. Community College teachers hold the fortunes of millions of California's young people in their hands, and it's time that those teachers – all of those teachers – are treated fairly and professionally.

If we are back to the drawing board, we are back with a goal of a serious and comprehensive overhaul of the system. We lost, but we were not defeated. We were angered, and in some cases, disgusted – but we see the battlefield clearly now, and we are ready to fight, and win.

A guide to acronyms and organizations in higher education

AAUP - American Association of University Professors

A nationwide professional association that acts as a union in a small number of California institutions (i.e. has collective bargaining rights).

CCA/CTA/NEA - Community College Association of the California Teachers Association of the National Education Association. A union.

CCC/CFT/AFT - Community College Council of the California Federation of Teachers of the American Federation of Teachers. A union.

CCCI - California Community College Independents.

A consortium of union locals unaffiliated with any of the larger unions.

CPFA - California Part-time Faculty Association.

A statewide professional association for non-tenure-track community college faculty that does not seek collective bargaining rights, acting as networking support for part-timers within their unions.

CWA - Communication Workers of America.

A union; has collective bargaining units for part-time faculty in a few districts.

FACCC - Faculty Association of California Community Colleges.

A statewide professional association that does not seek collective bargaining rights, engaged in legislative advocacy and professional support for community college faculty.

related groups.

AFL-CIO - American Federation of Labor-Congress of Industrial Organizations.

A national union coalition with which AFT and CWA, but not NEA, are affiliated. Contrary to urban legend, AFT-CIO is not "The Teamsters." In fact, the Teamsters dis-affiliated from AFL-CIO last summer.

CFA/CTA/NEA - California Faculty Association/CTA/NEA. Represents all faculty in the California State University system.

UC-AFT - University Council -AFT. Also affiliated with CFT. Represents non-tenure-track (non-Senate) faculty in the University of California system.

316 allows the district to use hourly teachers without having them become probationary employees, no matter how many months they are employed, provided such persons teach less than sixty percent of the hours considered a full time assignment for permanent employees, and provided they do not employ each person more than two semesters or quarters during any three year period... I trust you will wish to sign Senate Bill 316 into law."

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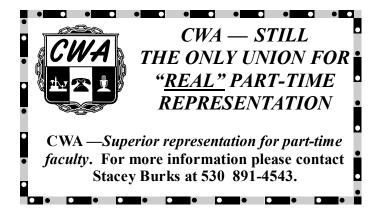
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The proposed legislation, SB 847 would not have fixed all of those problems — but it would have fixed some of them, and help those involved to work to fix the rest.

Find out why San Francisco Local 2121 received the Lew Stoller Part-time Activist Union Local Award at the AFT convention in Boston in August:

The latest Statewide Part-time/fulltime Salary Comparison Chart is now available on-line at the CPFA News Past Editions link at www.cpfa.org



SB 847 continued from p. 1

exploited and misused by the system. Sen. Ducheny was a gem, a true hero for us, but she cannot do the impossible. And fighting our full-time colleagues and winning, at this point, on this issue, was impossible. So what is to be done? First and foremost we must build an informed statewide consensus on part time issues. In the Legislature, Senator by Senator and Assemblyperson by Assemblyperson, we must inform them about the major issues of concern in the Community College system. We must, yet again, identify the problems and make them public, through hearings and meetings and informal discussions. We must find those legislators who are willing to go to bat for change in the system, and we must support and cultivate them.

At the same time we must carry this fight into our own unions. We must widen the issue beyond the bandaid of changing the 60% Law, to the more comprehensive, if expensive, issues of full parity, including salary, benefits and job security – something all unions should be for. People squawked about the 60% Law change affecting the 75/25 ratios — let's see what they're willing to do to actively enforce 75/25. In my view, the only way it can be done is to create real pay parity – so long as it's cheaper to hire part-timers, they will be hired instead of full time faculty. Once it's not, then, and only then, will be finally achieve 75/25, with those 25% part-time being those actually teaching part-time, rather than those exploited by working full-time schedules for partial wages.

It won't be easy, and it won't happen under Schwarzenegger, and it won't get fixed by the Community College Initiative, though that might help. It will only happen if enough of the Legislature, the unions, the academic organizations, and the public are informed about the issues. Community College teachers hold the fortunes of millions of California's young people in their hands, and it's time that those teachers – all of those teachers – are treated fairly and professionally.

If we are back to the drawing board, we are back with a goal of a serious and comprehensive overhaul of the system. We lost, but we were not defeated. We were angered, and in some cases, disgusted – but we see the battlefield clearly now, and we are ready to fight, and win.

A guide to acronyms and organizations in higher education

AAUP - American Association of University Professors

A nationwide professional association that acts as a union in a small number of California institutions (i.e. has collective bargaining rights).

CCA/CTA/NEA - Community College Association of the California Teachers Association of the National Education Association. A union.

CCC/CFT/AFT - Community College Council of the California Federation of Teachers of the American Federation of Teachers. A union.

CCCI - California Community College Independents.

A consortium of union locals unaffiliated with any of the larger unions.

CPFA - California Part-time Faculty Association.

A statewide professional association for non-tenure-track community college faculty that does not seek collective bargaining rights, acting as networking support for part-timers within their unions.

CWA - Communication Workers of America.

A union; has collective bargaining units for part-time faculty in a few districts.

FACCC - Faculty Association of California Community Colleges.

A statewide professional association that does not seek collective bargaining rights, engaged in legislative advocacy and professional support for community college faculty.

related groups.

AFL-CIO - American Federation of Labor-Congress of Industrial Organizations.

A national union coalition with which AFT and CWA, but not NEA, are affiliated. Contrary to urban legend, AFT-CIO is not "The Teamsters." In fact, the Teamsters dis-affiliated from AFL-CIO last summer.

CFA/CTA/NEA - California Faculty Association/CTA/NEA. Represents all faculty in the California State University system.

UC-AFT - University Council -AFT. Also affiliated with CFT. Represents non-tenure-track (non-Senate) faculty in the University of California system.

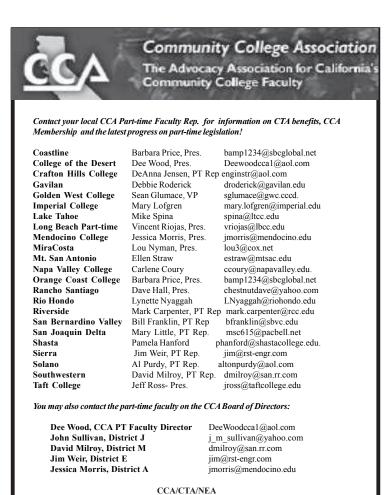
COCAL VII: The report from Vancouver

-- Sandra Baringer

A forty-hour train ride seemed like an appropriate way to arrive at the seventh conference of the Coalition of Contingent Academic Labor in Vancouver B.C. the second week of August. My uneven on-track, off-track, lurching arrival ten hours behind schedule engendered a sort of third-world fatalistic vision of the future: the American public sector's abandonment of meaningful support for public ground transportation seemed to parallel the third-world-esque "contingentization" of American academic labor. As Mexican speaker Arturo Ramos Perez commented at the conference on what he was hearing about working conditions among United States faculty (loosely paraphrased), "welcome to my world."

AFT's Larry Gold announced on the first day of the event that only thirty percent of this country's higher education instruction is now performed by tenured or tenure-track faculty. And while David Horowitz and his right-wing comrades continue their attack on academic freedom among the tenured (check out his list of "The 101 Most Dangerous Academics in America" on wikipedia), the 70% of higher education instructors without tenure continue to wonder how many bits of academic piece-work they'll be collecting for the next semester, and whether allowing their students to ask controversial questions will get them fired (see Douglas Giles' story about that on the next page).

Cary Nelson, new president of the American Association of University Professors, noted that the World Bank and the IMF are pushing a contingent labor force internationally by demanding levels of contingency in employment arrangements in return for loans. He urged that contingent faculty "take over any union they can" by joining their locals as voting members and running for local union offices. He reiterated AAUP's official position that all instructors, full or part-time, be entitled to job security protections after 7 years (preferably after 3 terms), with dismissal to occur only after hearing before a



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committee off faculty peers and a finding of "academic reason" for non-reappointment. Nelson called for monitoring of "all forms of academic employment" to "make bad jobs more and more expensive to maintain."

The second day of the conference opened with Joe Berry, author of *Reclaiming the Ivory Tower*, noting that despite increased awareness of the contingent labor problem in academia, achievements in addressing the problem have reached a plateau. One reason he cited for this was administrative counterattacks, as in the hiring of union avoidance consultants to fight organizing drives, retaliatory firings of union activists in Chicago, the NLRB's recent decisions refusing to recognize graduate student bargaining units, and attacks on academic freedom. But Berry also asserted that a national strategy has not emerged from any of the national organizations.

Larry Gold had announced the previous day that AFT was launching a 15-20 state legislation drive focused on improving fulltime/part-time staffing ratios, pay equity, job security, and budget enhancements to support those goals. But details on specific large-scale strategies remained unclear by the end of the conference. On Sunday morning, Keith Hoeller cited a bill introduced in the Washington state legislature each of the past three years to implement job security protections for part-time community college faculty – a bill which Hoeller said never gets out of committee because neither the AFT nor NEA Washington state affiliates will support the bill. Cary Nelson then called on NEA and AFT to support such bills.

For good reason, the closing hours of the conference focused on assaults on academic freedom. Gold reported that he had infiltrated a David Horowitz event and asked Horowitz about the 70% of higher education instructors who were off the tenure track; Horowitz replied, "yeah, I know about them – they're the worst." Contingent faculty are, incontrovertibly, at risk on the academic freedom issue.

Yet many of these teachers and scholars at risk seemed willing to speak out more than they were given the opportunity to, at this particular conference. Too little time was available for those lined up at the open microphones; the problem being described by the scheduled speakers was, for the most part, already understood by the attendees, and too many scheduled speakers exceeded their time allotment. Moreover, no clear national, trans-union strategy emerged from this conference. One can only hope that those prominent national organization leaders in attendance are now back in their offices phoning each other. If not, COCAL remains a grassroots phenomenon whose fate remains unknown.

Otavio Paz wrote in *The Labyrinth of Solitude* that "We withdraw into ourselves, we deepen and aggravate our awareness of everything that separates or isolates or differentiates us. And we increase our solitude by refusing to seek out our compatriots, perhaps because we fear we will see ourselves in them, perhaps because of a painful, defensive unwillingness to share our intimate feelings." He was speaking of his Mexican countrymen, or rather a certain subset of them, but as contingent faculty, we should take this analysis to heart. Too many of us withdraw into ourselves, increasing our isolation and decreasing our ability to advocate for ourselves and for higher education. Our students deserve better than the train wreck for which public higher education seems headed, and if we don't stop it, it's unclear who will.

Academic Freedom: Could This Happen in Your Class?

The following is an abridged version of a speech given at the COCAL academic freedom panel on August 13, 2006 by Douglas Giles, philosophy instructor from Chicago.

A year ago I was naïve about the issue of academic freedom. Certainly, I supported the freedom of instructors to teach and students to learn, but I had assumed that academic freedom was only threatened in other countries or in the distant past. Since then, I have received the hard, sobering education that can come only from living through and struggling against injustice.

I have always been an idealist, which is why I majored in and now teach philosophy and religion. I am fascinated by ideas and beliefs and try to share that enthusams with my students. I believe that essential to education is exposure to diverse viewpoints and cultures and encouraging students to openly and critically consider those diverse ideas. I welcome questions in class and allow students to share their opinions and experiences. The nature of philosophy and religion is particularly amenable to this approach, and my students enjoy hearing diverse views and being encouraged to explore and share ideas and beliefs openly.

In the fall term of 2005, my journey from naïve idealist to committed academic freedom activist began. I was teaching my fourth semester as a contingent adjunct at Roosevelt University in Chicago. Roosevelt's Chair of the Department of History, Art History and Philosophy, Susan Weininger, is an administrator and art history professor who has never taught religion or philosophy. Other than the interview in which she hired me in December 2003, she and I had not spoken before a series of phone calls she placed to me at my home in September 2005.

In these phone calls, she told me that she was disturbed to hear that I allowed open questions and discussion in my world religions class. She told me that "your job as a professor is to give only the basic facts about religions and nothing more." She said I was not to spend so much time in class answering student questions and not to respond to questions on certain topics. The topics to avoid she told me were:

- Nothing should be mentioned in class, textbooks, or examinations that could possibly open up Judaism to criticism, especially any mention in any context of Zionism
- Nothing related to Palestinians or Islamic beliefs about Jerusalem should be mentioned
- Any discussion of Zionism or the Palestinian issue was in her words "disrespectful to any Jews in the class"

I replied that those restrictions would lead to a biased class and I would not do it. She then made a series of disparaging comments about Palestinians concluding with the following:

"I hear you even allowed a Muslim to speak in class."
"Yes, of course, I allowed all students to speak, regardless

"Yes, of course, I allowed all students to speak, regardless of their religion!"

"You shouldn't! What disturbs me is that you act like the Palestinians have a side in this. They don't have a side! They are ANIMALS! They are NOT CIVILIZED!"

She then ordered me never to bring up the conversation again to anyone and hung up. I did report the conversations to my union representative. A few days later, I received an e-mail from Weininger saying I would no longer be teaching at Roosevelt, not just the world religions classes I was scheduled to teach next semester—but ever. Roosevelt later termed it a "non-reappointment"; however, I think it is fair to call a permanent ban a job termination.

The reason for my termination is clear. Because I allowed open and respectful discussion of Judaism and Islam in my classes, I am now censored from teaching at Roosevelt. As bizarre, though, as Weininger's statements and action are, they are matched by the ensuing actions of Roosevelt University. There are two dimensions to the academic freedom violation. First is the blatant censorship of student and faculty discussion perpetrated by Weininger. Second is the attempt by Roosevelt to dismantle the rights of adjunct faculty even if it means defending blatant bigotry and censorship.

I am extremely fortunate to have as my union representative Joe Berry, the man who literally wrote the book on the struggles of contingent faculty. Thanks in large part to Joe's advocacy, my union, the Roosevelt Adjunct Faculty Organization, or RAFO, and its parent union, the Illinois Education Association, have consistently supported me in fighting this violation of academic freedom. The union filed a formal grievance of my termination based upon a clause in our contract that protects the academic freedom of adjunct faculty. RAFO's executive council members have risked their own faculty positions to fight for the rights of all faculty and students at Roosevelt. They have been extraordinarily patient and have given Roosevelt every opportunity to resolve this case.

Roosevelt's response has been a succession of disingenuous delaying tactics. At one point, the provost rejected a union grievance, in part because "the grievance is simply an attempt by the union to overturn the university's decision." Roosevelt has offered multiple cover stories to try to shift the argument away from the academic freedom violation. Their cover stores are clearly manufactured, self-contradictory, and at times laughable in how obviously false they are. Roosevelt has continually refused to consider our evidence, speak with our witnesses, negotiate in good faith, or provide requested information. Plus, they have conducted themselves in such a manner that RAFO has filed two additional grievances over new contract violations.

Throughout, Roosevelt has never once denied that Weininger made the statements and has even defended her statements. Roosevelt has declared that "as chair of the department, Weininger had a right to express her views." It characterized her comments disparaging Palestinians as an "academic discussion" in which she was "defending her position passionately"... compared to the "heated"

discussion over whether to place a comma before the "and" in a series.

In response to the academic freedom provision in our contract, the basis of our grievance, Roosevelt has declared that it is within the university's province, not the professors', to determine curriculum. Roosevelt states that what topics are covered in class and whether students are allowed to ask questions in class are not academic issues but pedagogical issues. Therefore, issues of the content and conduct of a course are not covered under the provisions of academic freedom. What Roosevelt is attempting to do is use my case to change the playing field between itself and the union. It is about control of contingent faculty. Roosevelt is attempting to create an environment in which anything they want to control can be declared a pedagogical issue and thus exempted from academic freedom protections.

We currently are scheduled for arbitration on the first grievance in October and are awaiting scheduling of arbitration for the two other grievances.

Everyone hearing my story is naturally shocked and appalled. How could she say those things and how could the university defend her, they ask. However, most people then just wish me well and say they look forward to hearing what happens. With respect, that response, though well intentioned, is naïve; perhaps the same naïveté I would have shown a year ago. Sadly, there is evidence suggesting that my situation is NOT an isolated incident but a sign of things to come. Violations of academic freedom are becoming means to ensure a "patriotic correctness" in today's USA. They also are becoming. I have heard, a means of eliminating labor activists and other "undesirables" among contingent faculty.

The central ideal of academic freedom is clear, though attacks on academic freedom can have murky and complicated origins and motives. There are religious, political, and corporate motives to control speech and content in academia. There are forces within colleges that are willing to collaborate with external interests and also have their own motives to control classroom speech. In the developing economic model of corporatized education, professors are decreasingly seen as mentors who educate and increasingly seen as cogs in the machine that churns out graduates. College administrators increasingly view their institutions as factories, mere economic engines. Just as factory owners desire their machines to perform predictably, so do college administrators desire their faculty to behave as predictable machines.

Similarly, they desire their students to be docile predictable consumers. An effective means to achieve these ends is to control the terms of dialogue. Thus, professors are NOT supposed to stimulate thought or allow open discussion-they supposed to deliver only a standardized, commoditized curriculum. We are to teach only the basic facts, with those facts, of course, determined not professors, but by the powers that be.

There are those who want to drag all of us into a future world of "one size fits all" viewpoints, where truth is defined, not by



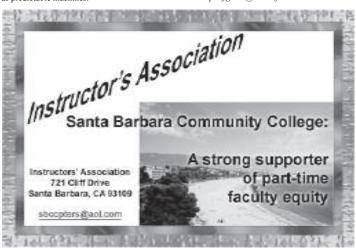
Douglas Giles (left) and new AAUP President Cary Nelson at COCAL panel on academic freedom.

questioning, but by NOT questioning; where the world is divided into an Us versus a Them whom we do not respect, do not dialogue with, and certainly do not treat like they have a side to voice. What happened to me is our future unless we refuse to let it be. I ask you to defend me, but more importantly, I ask you to defend my ideals. I look at my students, and I see human beings who have a mind, a heart, a soul, and a voice. I was fired for seeing my students as people (and for seeing Muslims as people). I was fired for being a teacher, for doing what I am supposed to do, for what our profession demands that we do. If any professor can be fired for being objective and respectful, than anyone, truly anyone, can be fired.

I urge you all to understand that academic freedom is a concern not just in far off lands and times. It could any day become an issue on your campus. The David Horowitzes of the world will look at what happens at Roosevelt as a sign of what they can get away with elsewhere. If my situation is allowed to stand, ...it will have a chilling effect on faculty everywhere. All faculty, especially contingent faculty, will have to fret over every word said in their classrooms knowing that if anything is upsetting to their superiors, they can be fired. If Roosevelt succeeds, then a precedent will have been set that objectivity, openness, and encouraging students to think for themselves are grounds for dismissal. The message will be clear: deviation from the sanitized commoditized curriculum will lead to dismissal... denying academic freedom can become a means of ensuring compliance from faculty and a means of eliminating anyone at will.

I urge you not just to wish me well and stand and watch. I ask you to take action. Be proactive and work now to defend academic freedom before it is taken away. Winning my case in arbitration is not enough, because if there is not considerable opposition to what Roosevelt is attempting to do, they will try again, hoping to have better luck next time. We need to start a movement for academic freedom for all faculty, not just tenured faculty, and for students before we lose what we naïvely take for granted. If there is anything I can do to help you, just ask.

Professor Giles can be contacted at profgiles@worldfusionradio.com.



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Unemployment compensation update

Once again, the legislature has passed a bill to help enforce part-time community college instructors' rights to collect unemployment compensation between semesters or quarters. This time, the legislation deals with the incorrect reporting of information regarding the employee's first and last days worked. There has been a problem with some districts reporting flex days (days when part-timers are paid for professional development activities) as having been on some other day, such as at the end of the semester, than the day when the employee actually attended the flex activities. This has resulted in unfair penalties and benefit delays for part-timers affected. FACCC-sponsored AB 2293 (Nava) will enable the imposition of penalties on districts who willfully report incorrect information regarding first and last day worked as well as flex time worked

Weekly earnings are based on when you did the work, not when you get paid for it. If you will be compensated for professional development activity that won't be paid until the end of the term, be sure to report it in the week that you earn it.

Last year, AB 2412 (Yee) was passed to penalize districts that willfully provide incorrect information on a faculty members employment status, including the question of "reasonable assurance" of future employment.

Many claims workers think that teachers are not eligible for unemployment compensation over "recess" or "breaks" in the academic calendar. But the situation of part-time ("temporary") community college instructors is somewhat different from teachers under contract. A promise of class assignments for the following term does not constitute "reasonable assurance" of employment if the assignment is contingent on enrollment, funding, or other program changes.

If you are paid only for time in the classroom, then once you've taught your last class, you are eligible for unemployment compensation if you are available for work and don't have other non-teaching work that puts you over the income eligibility threshhold. The income eligibility formula during partial employment is fairly simple: 75% of your weekly earnings will be deducted from your weekly benefit amount and you will be paid the difference.