

FORMERLY CPFA NEWS · PUBLISHED BY THE CALIFORNIA PART-TIME FACULTY ASSOCIATION

# **Pursuing a One-Tier Faculty Workplace**

By Jack Longmate

The two-tier workplace, with an upper tier of tenured faculty and a lower tier of non-tenured faculty, has been the norm in U.S. higher education for half a century, long enough to have enabled several generations to become acculturated to it. Just as it seems natural and

normal for water to run downhill. no one is surprised when adjuncts are not paid the same as tenured instructors.

In thinking about strategizing for change, consider this quotation from Albert Einstein: "We cannot solve our problems with the same thinking we used when we created them."

We educators are no different from everyone else: we are ethnocentric.

We tend to view and judge the Jack Longmate world through the eyes of our own culture and, in

We cannot solve our problems

with the same thinking we used

when we created them.

- Albert Einstien

this case, our own workplaces, which, I think, was my problem when I first heard about the Vancouver Model, a one-tier faculty workplace where

instructors. all whether full- or part-time, whether temporary or permanent, are paid according to the same multi-step salary schedule; where all instructors are

offered a pathway to permanent, tenure-like employment, called "regularization"; and where one's job is protected by seniority, not full- or part-time status. Vancouver seemed SO Continued on page 6...



SPRING 2023 · VOL XXVII · NO. I

By Daniel Thompson, Legislative Part-time Association

This year the CPFA Legislative Task Force met with over a dozen offices of members of the California State Assembly and State Senate. The Legislative Task Force advocated two main legislative proposals involving: (1) raising the cap on the number of courses that Part-time Faculty can teach and (2) strengthening the language for seniority rights as well as just cause language. While the Taskforce was unable to obtain authorship from any members of the State Legislature for this cycle, we are optimistic about moving forward with both proposals again this fall.

To briefly summarize the two legislative proposals, the first one concerns raising the cap on the part-time Continued on page 2...



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faculty teaching load from 67% to 85% of full-time faculty. Similar efforts to raise the cap in recent years passed in both houses of the State Legislature without any opposition (on two separate occasions) only to be vetoed by Governor Gavin Newsom on the erroneous grounds that raising the cap would somehow force Districts to start paying health benefits to Part-time Faculty. In response, the Taskforce has created a new introduction to the bill that meticulously corrects the record:

Existing law sets a cap on the amount of work a parttime, temporary community college instructor may attain within any one college district of no more than 67% of a fulltime equivalent load. This bill would adjust that cap up to 85% and modify the requirement that community colleges, as a condition of receiving funding allocated for the Student Success and Support Programs, negotiate part-time, temporary faculty rehire rights based on a minimum standard of 80% to 85% of a full-time equivalent load instead of 60% to 67% as required in existing law.

The language of this bill is identical to the previously proposed AB-1856, Medina, which passed unanimously in both the Assembly and the Senate before being vetoed by Governor Newsom on September 25, 2022. In the prior legislative session, an essentially identical bill, AB-375, Medina, also passed unanimously in both the Assembly and the Senate before being vetoed by the Governor on October 8, 2021.

In vetoing AB-375, the Governor opined that the bill would result in significant cost as modifying the workload cap from 67% to 85% would result in a triggering of a requirement to provide health coverage to the approximately 37,000 part-time, temporary faculty who teach about half of all community college courses. As discussed further below, this opinion was misguided. Even though the Governor approved an addition to the budget of \$200 million to be used to offset the cost of healthcare for part-time, temporary faculty, he still vetoed AB-1856 on the grounds that it was premature ahead of knowing how the new \$200 million would be used. Again, the Governor erred in linking the workload cap with healthcare.



The reality is that a fulltime faculty workload in a community college equates to lecturing 15 hours per week during each

of the Fall and Spring semesters. A part-time temporary faculty member's workload is determined by computing the percentage of hours lecturing each week out of 15. For example, teaching a standard threehour class would constitute a 20% workload during one semester.

If a part-time, temporary faculty member was to teach an 85% workload, this would equate to lecturing 12.75 hours per week. [The numbers in this example are typical and used for illustration purposes. There may be slight, insignificant, variations in the actual numbers between different community colleges.]

The Affordable Care Act (ACA) mandates that an employee who works 30 or more hours per week must receive health benefits. The IRS has provided guidance [Internal Revenue Bulletin: 2014-9] to institutions of higher education stating that it is reasonable to assume that for each hour of lecturing, a college instructor spends an additional 1.25 hours in

> unscheduled preparation. As such, if a part-time, temporary faculty member works an 85% load, lecturing for 12.75 hours each week, they may reasonably be considered to have worked a total of 28.69 hours per week. Therefore, this would not trigger any mandate from the ACA; no health care would be required.

> Moreover, the bill will not mandate that any part-time teacher be required to teach an 85% load. It would require that community colleges negotiate rehire rights for workloads in the range of 80-85%. At 80%, per the numbers seen above and considering the IRS quidelines. а part-time, temporary faculty member may be

considered to work a total of 27 hours per week.

The second proposal significantly strengthens seniority rights language,

including calling for a uniform standard on calculating seniority at all California Community College Districts. Another revision offered would require all Districts to provide just cause language in a timely manner for any reduction in workloads or termination of contracts of Part-time Faculty.

Daniel Thompson

Daniel Thompson teaches Political Science at Butte College. Daniel is Legislative Analyst on the CPFA Executive Committee.

# CHAIR'S REPORT 2023

new, two-year legislative cycle in Sacramento began this year, and with it, up to a quarter of California's Senate and Assembly were newly sworn in. New legislators are usually relatively fresh to the process of authoring bills and represent new opportunities for CPFA to partner with on writing and authoring new legislation. The high turn around this year was unprecedented, so naturally we had high hopes that we would be able to secure at least one legislator willing to work with us to author a bill in time for the February 17 deadline. Regrettably, this didn't happen.

CPFA's Legislative Task Force worked hard for a good six months to flush out and widdle down our ideas for new Ed Code language that we could pitch to friendly ears at the Capitol. We managed close to twenty appointments with legislator's offices in January and February alone. It was tiresome work, but despite falling just short of our goal, we learned a great deal, which will only ensure that we will be more successful in partnering with a legislator this coming fall.

So, what went down in our meetings with legislators and their staff? And what proposals will we be bringing to legislators in the coming months? The first proposal is a reintroduction of AB 1856 (originally sponsored by CFT the last two years. This bill passed unanimously in both houses twice, only to be vetoed both times by Governor Newsom. Since this bill had so much success with legislators and had come so close to being approved by the Governor, CPFA decided to pick up where CFT left off and make this one of our top priorities. We hope that a new and improved introduction will better explain how raising the workload cap from 67% to 80-85% will not result in any mandated healthcare costs, which was the faulty assumption by both the Governor and the

Chancellor's Office. (See page 1, "CPFA Legislative Efforts")

The second proposal we will bring to legislators again is aimed at strengthening seniority rights and adding "just cause" language to the Ed Code. Both strong seniority rights and "just cause" procedures are fundamental to making parttime work more secure and less precarious. It is our position that without these more basic rights that ensure job security, there would be little improvement to part-time work in the California Community College System even if we managed to claim healthcare benefits through districts, higher wages or paid office hours.

I know many of you may feel that the workload cap, seniority rights, and "just cause" procedures are relatively minor issues that pale in comparison to, say, the need to abolish the entire two-tier system outright. While that certainly is true, the most pragmatic approach is always to pick off the lowest hanging fruit first. Since raising the workload cap, solidifying seniority rights and codifying "just cause" procedures are straightforward, targeted and nearly universal principles of fairness, they ought to be the easiest proposals to push through. Moreover, should we succeed in getting these three proposals to pass, they would have an immediate and profound effect on the daily lives of part-time faculty throughout the state. No matter how you swing it, moving every CCC district from the twotier to a one-tier system, where all faculty are on a single salary scale, is an enormous undertaking that will take a tremendous amount of time, resources and a groundswell of support that is still only in the nascent stages. "Aiming low" and working our way up is the most practical way to achieve real, meaningful changes to improve the working conditions of



John Martin CPFA Chair

part-time faculty right now.

CPFA's incremental approach to new legislation is also the smart way to do "business" in Sacramento. Since both of our proposals are no-cost items, and considering that

California's deficit is getting larger and the budget tighter, we can appeal to the fiscally responsible.

CPFA is watching two bills currently in the Assembly that pertain to California's community college parttime faculty. First, is AB 260, which is the parity bill put forth by the California Teachers Association and the Community College Association (CTA/CCA's). The second is AB 1190 (Jacqui Irwin-D), regarding office hours, which was put forth by Assemblymember Miguel Santiago-D and California Community College Independents (CCCI).

On an entirely different note, CPFA could use some talented, committed people to help us achieve our goals to advocate, educate and help legislate on behalf of the nearly forty thousand part-time faculty working in the CCC system. You don't have to be on the Executive Council to contribute. Contact me if you are interested in our cause and might be able to serve in an alternative capacity. If nothing else, please consider becoming a due-paying member of CPFA, which will support our work and our cause.

#### Author's Note of Acknowledgement

CPFA's Legislative Task Force included Raymond Brennan, Deborah Dahl Shanks, Stacey Burks, Scott Douglas, Daniel Thompson, and myself. I personally have great respect for these folks, in particular, for their commitment to see this through. Their combined efforts were outstanding. Their foresights and wisdom are incredible!

# Union Democracy Review **Faculty Apartheid in Higher Education:** Why Adjuncts Can't Just Take Over The Unions

By Jack Longmate and Keith Hoeller | Published by the Association for Union Democracy, No. 223, February 2023

early seventy years ago the U.S. Supreme Court ruled that separate can never be equal and struck down racial segregation in our nation's K-12 public schools (Brown v. Board of Education). Yet in the past fifty years, higher education has instituted a separate but unequal system of faculty employment based on tenure-status. Colleges and universities have completely reversed the 75/25% ratio of tenure-track faculty to non-tenure-track faculty that existed in the 1960's and 1970's. At present, three out of every four professors now teach off the tenuretrack-most becoming part-timers involuntarily, not by choice-with poverty-level pay, few if any benefits, and zero job

security. We have called this system of sweatshop employment "faculty apartheid." lts most important feature is that tenured professors have lifetime job security in the

form of tenure. But those who teach off the tenure-track usually have no job security from term to term, let alone year to year, as the California Education Code 87482.3 subsection (d) makes explicit:

In all cases, part-time faculty assignments shall be temporary in nature, contingent on enrollment and funding, and subject to program changes, and no part-time faculty member shall have reasonable assurance of continued employment at any point, irrespective of the status, length of service, or reemployment preference of that part-time, temporary faculty member.

Unfortunately, these stark divisions

also exist within the faculty unions, which have bargained two-tier contracts throughout the U.S., and who seem content with the

resulting two-tier workforce. One might expect that the full-time tenured

adjuncts receive public assistance. Meanwhile, California's tenured instructors may voluntarily work overtime (course overloads) to

earn extra income, displacing part-time instructors' jobs whenever they do.

> We have often heard the following response to these dismal statistics: "Well. since these contingent professors outnumber the full-

Keith Hoeller

timers by two to one, why don't you run your own slate of officers, take over the unions, and implement majority rule?"

This question assumes a union democracy that does not exist due to two fundamental power differences between the two tiers: (1) the tenured faculty are protected by tenure, while the part-timers have no job security, and (2) the tenured professors serve as their de facto supervisors, performing evaluations, assigning courses, hiring and rehiring the part-timers. Thus, for precariously employed part-time instructors to take control of a union amounts to employees taking control away from their bosses.

In a two-tier system with finite resources at play, a gain for one tier means a loss for the other, and naturally the subordinate tier is at a disadvantage.

Many adjuncts have gotten involved in their have unions. been elected to executive boards, and have spoken out against the two-tier system

demanded and equality. But some of those activists have found themselves subjects of retaliation or their unions have removed them from their elected offices (e.g., Doug Collins from the Seattle Federation



Jack Longmate

instructors would insist on equal pay for their nontenured colleagues, if not out of solidarity, then out of self-interest to avoid losing

work to cheaper workers. But since tenured instructors are contractually guaranteed job security and full-time work, no such fear exists.

Whiletheaverage California tenured community college professor clears nearly \$100K annually, the average part-timer earns around \$20K. Those low wages

are the result of being restricted from working more than 67% of full-time in any college district and severely discounted pay scale—often 60 cents on the dollar-bargained by their unions. As many as 25% of California

of Teachers in 2003; Jack Longmate from the Olympic College union in 2011), replaced them by either with full-timers, or else with adjuncts more willing to align themselves with the full-timers.

Unfolding at this moment is the case of Dr. Sayed Khaled Hussain, an adjunct for 21 years in the Los Angeles Community College District, where the part-time faculty outnumber the full-timers by two to one. Hussain became an elected member of the executive board of AFT Faculty Guild 1521 with the intention of turning things around. He was appalled at how his union contract favored the full-timers at every turn and he began informing adjuncts of the huge disparities. He asked adjuncts to get involved with the union, to fill out a survey about adjunct priorities in the next round of contract negotiations, and to vote in union elections.

What was the union leadership's reaction to Hussain's efforts at moving them off dead center? On October 13, 2022, union president, James McKeever, with the union's attorney, Lawrence Rosezweig, on the attorney's letterhead, requested that Hussain "voluntarily withdraw from your position" on the union's executive board, claiming that his email correspondence with adjuncts was a "conflict of interest." Several days later, McKeever sent an email to Hussain saying, "I have suspended you from the Executive Board" followed up on October 19 announcing that the "Executive Board voted to remove you ... on the grounds of dual unionism." He was also banned from attending future board and chapter meetings.

AFT 1521's bylaws do not allow for the summary dismissal of an Executive Board member; they only allow for a recall vote by the entire union. The bylaws also do not allow for an executive board member to be banned from board and chapter meetings, as President McKeever has done.

The contention that Hussain

engaged in dual unionism is also groundless, as Hussain did not seek to decertify the current union or replace it with a new union: Hussain's actions seem intended at invigorating the current union in hopes of becoming more sensitive to the injustices facing non-tenure-track instructors. Unions consisting of both tenuretrack and non-tenure-track faculty have serious conflicts of interest, which would normally bar them from being in the same bargaining units. The U.S. Supreme Court case called National Labor Relations Board v. Yeshiva University (1980) ruled that

# Real representation for part-time faculty



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## **Butte College**

Part-Time Faculty Association (PFA-UPTE) Contact: Stacey Burks, burksst@butte.edu

# **College of the Sequoias**

College of Sequoias Adjunct Faculty Association (COSAFA) Contact: Danielle Alberti, danielleal@cos.edu

## Mt. San Jacinto

Contact: Sandy Blackman, smblackman2000@gmail.com



UPTE supports AB 260 (Santiago) and Pay Parity!

University Professional & Technical Employees Communications Workers of America, Local 9119

510-704-UPTE + www.upte.org/local/cc/

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different from what I'd understood as the higher education workplace reality that I found myself questioning everything about it.

In a recent email discussion on the California Part-time Faculty Association's (CPFA) ElChorro, a question arose about how the onetier Vancouver Model (*See* Link 1) "spread" to other colleges in British Columbia. If one considers one's workplace the norm, and if it lacks things like equal pay, equal work, and job security, then one can't

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be blamed for wondering, albeit ethnocentrically, how those features came to be. But the absence of those features could mean that one's own workplace is not normal, but a debased aberration.

After all, part-time workers in other professions that require advanced degrees or certification, like dental hygienists or K-12 teachers, are not paid a discounted salary as part-time higher ed instructors are. We in higher ed have been socialized into thinking that it is natural and acceptable for non-tenured instructors to be paid less.

In strategizing for change, should concentration be on efforts with reasonable chance of success or the long shot in hopes of solving the problem once and for all?

Lantz Simpson, formerly of Santa Monica, formulated what needs to happen legislatively; his essay in Keith Hoeller's 2014 book Equality for Contingent Faculty enumerates specific changes.

When the Program for Change (See Link 2), a strategic plan based on the Vancouver Model, was presented at the New Faculty Majority Summit in January of 2012 in Washington, D.C., the editor of the Canadian academic journal reported that many U.S. adjuncts "seemed to feel that hell would freeze over" before they could expect the benefits of the Vancouver Model.

But by asking for parity pay when performing "comparable duties" instead of equal pay, or by asking to adjust the workload cap, from 67 to 85 percent, instead of abolishing the cap outright, aren't we tacitly supporting a two-tier system and its inherently discriminatory treatment of part-time faculty? Isn't this what Einstein had in mind when he said that we can't solve our problems using the same thinking that created them?

A fatalistic attitude about change—that real change will not be happening in our lifetimes—is self-defeating: if you ask for nothing, you're apt to get nothing.

A reading of the Program for Change might appear to support small incremental steps. However, it is vital to make clear that the incremental steps move towards a goal—they are not the goal—and the goal is equality and the one-tier system like Vancouver.

The real issue is not short or long gains, but the goal of equality. On this point, there is no reason to be timid nor apologetic about. In asking for equality, we're asking for nothing more and nothing less.

If we fail to make clear our goal of equality, then we come across just like any other interest group seeking more. What makes non-tenured instructors different is our unequal treatment, which violates human rights. The UN's Universal Declaration of Human, article 23.1, declares:

Everyone has the right to ... just and favourable conditions of work and to protection against unemployment.

The two-tier system does not offer just and favorable conditions of work because it denies equal pay, equal work, and job security. It provides no protection whatsoever against unemployment, since nontenured faculty members are typically laid off at the end of each academic term. The categorical discrimination based on job status alone that violates this Article. Eleanor Roosevelt and others who drafted the Universal Declaration of Human Rights did so to prevent cultural norms from defying morality and fairness.

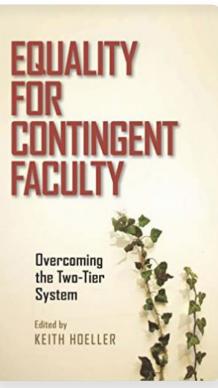
The best hope for the profession is solidarity among all faculty, but that solidarity is sacrificed by the two-tier system when most are deprived of a family wage income, professional dignity, and a stable career. But if those provisions could be established through legislation or bargained, as has been done in British Columbia, all faculty could become united.

Link 1: cpfa.org/program-for-change

Link 2: vccfa.ca/program-for-change-2

Jack Longmate's bio is provided in "Faculty Apartheid in Higher Education," (See Page 7).

# CPFA'S BOOK SPOTLIGHT



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> – Robert B. Yoshioka, Legislative Analyst, CPFA

**Overview.** Vice President Joseph Biden has blamed tuition increases on the high salaries of college professors, seemingly unaware of the fact that there are now over one million faculty who earn poverty-level wages teaching off the tenure track. The Chronicle of Higher Education ran a story entitled "From Graduate School to Welfare: The PhD Now Comes with Food Stamps." Today three-fourths of all faculty are characterized as "contingent instructional staff," a nearly tenfold increase from 1975.

Equality for Contingent Faculty brings together eleven activists from the United States and Canada to describe the problem, share case histories, and offer concrete solutions. The book begins with three accounts of successful organizing efforts within the two-track system. The second part describes how the two-track system divides the faculty into haves and have-nots and leaves the majority without the benefit of academic freedom or the support of their institutions. The third part offers roadmaps for overcoming the deficiencies of the two-track system and providing equality for all professors, regardless of status or rank.

Read Chapter 5: "The Academic Labor System of Faculty Apartheid", by Keith Hoeller, exclusively at CPFA.ORG!

Visit: <u>cpfa.org/the-academic-labor-</u> system-of-faculty-apartheid/

#### Continued from page 5... "Faculty Apartheid in Higher Education"

full-time tenure-track faculty were "managers" or "supervisors" and not entitled by law to a union at all. Consequently, there are no private colleges with mixed unions.

In a two-tier system with finite resources at play, a gain for one tier means a loss for the other, and naturally the subordinate tier is at a disadvantage. Because those benefiting have much to lose from true union democracy, they often have little tolerance for criticism and may go to extraordinary lengths to make the unfairness seem fair and normal, all of which tends to give unions and collective bargaining a bad name.

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Jack Longmate served as an adjunct English instructor at Olympic College from 1992 until 2020; he is a former officer with the NEA-affiliated union and an active member of the Washington Part-Time Faculty Association. With Frank Cosco, he co-authored the "Program for Change: Real Transformation over Two Decades."

Keith Hoeller is the co-founder of the Washington Part-Time Faculty Association and Editor of Equality for Contingent Faculty: Overcoming the Two-Tier System (Vanderbilt University Press).

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CPFA was founded in 1998 as an independent, statewide, professional organization with a threefold mission: to advocate, educate and help legislate on behalf of the nearly 37,000 PT faculty working in the CCC system.

CPFA has been working to build a strong rapport with state legislators and their office staffers in Sacramento to effectively address both local and structural PT facutly issues through statewide legislation. CPFA is seeking to expand and strengthen its partnerships with allied organizations and local PT faculty unions in order to amplify the voice of PT faculty at the Capitol.

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## CPFA JOURNAL

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CORRESPONDENCE AND ARTICLES may be edited or condensed due to space limitations. Letters may be published. Op-ed pieces, news briefs on union organizing or contract negotiations are particularly welcome. Human interest articles and opportunities to reprint items about the contingent faculty condition are encouraged. Signed articles express their authors' opinions and do not necessarily reflect the views of CPFA.

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