



Union NEWS

Monthly Newsletter of The Westchester Community College Federation of Teachers

September 2004

President's Message

Let's Go Forward, Not Back

By Anne D'Orazio



Recently, employees at a Home Depot outside Detroit rejected a bid by the United Food and Commercial Workers to organize into a union. It would be impossible to understand why workers making less than \$10 an hour, without health benefits, subject to dismissal at any time without cause, would not opt for the protection of a collective bargaining unit if one weren't aware of the intimidating tactics, one-on-one interrogation, and expensive union-busting ad campaigns that large corporations like Home Depot, Wal-Mart and Duane Reade are employing every day to scare vulnerable employees into anti-union votes. Still, it is a major set-back for the beleaguered union movement, now only 9% of all private company workers and 28% of public employees—overall, less than 12% of the entire workforce in the United States and shrinking with every census.

Recently, Governor Pataki vetoed the minimum wage bill which would have elevated the poorest paid workers in New York a mere two dollars over three years for a grand total of \$7.15 an hour, an annual income of \$15,000, \$5,000 under the poverty level. A long-overdue increase in workers compensation benefits bill (New York is at the bottom of the states in weekly pay for injured workers) went nowhere in the state legislature. Everywhere, large municipal and county unions as well as private sector locals are being forced to make huge concessions in health care benefits and accept less than optimal pay increases in service to budget cuts in spite of enormous government spending for an at-best dubious war, tax breaks for the wealthiest and record corporate profits resulting in obscene double-digit million dollar CEO salary packages.

The idea of progress, the continual improvement of the human condition, was at the heart of the Enlightenment of

the eighteenth century and has been part of the rhetoric of democratic and capitalist institutions for over two hundred years. Yet the progress made over the course of the twentieth century in the health and education of workers is in serious jeopardy. Not only are 45 million Americans uninsured for health



care, but those of us who are insured are being asked to pay increasing proportions of our income to keep that insurance. Not only is tuition not free (as it was once in the city colleges of New York), but it is speeding out of the reach of those who need an education the most.

The vehicle of progress is people demanding it. And historically, people have fought collectively in associations because that was the only way they could make their power felt against forces that resisted change. The gains for American workers by these means were tangible: the weekend, the eight-hour work day, paid vacations, employer paid health programs, protective regulations and industry standards, occupational health and safety guidelines, and the right to form unions and bargain collectively.

So why are we working so hard just to maintain what we've won? Why are we losing ground in many areas? What are we doing wrong? These are ques-

tions the union movement is asking itself. The umbrella organization for almost all unions in the United States, the AFL-CIO, is undergoing intense scrutiny by its leaders and members who are rethinking the very structure of trade unionism in the United States. Our union, the Westchester Community College Federation of Teachers, is a local (number 2431) chartered by the American Federation of Teachers which, in turn, is affiliated with the AFL-CIO. Therefore, we are a part of this process and we, too, must turn inward and see how we can chart a stronger course.

We need to build a culture that supports a vision. We need to stop and take time to decide where we really want to be next year, in five years, in twenty years. On the local level, we need to be far-sighted about what we want our college to look like, keeping in mind that our institution is set in a context of local, state, national and international institutions. As a union of educators, we understand that we can serve our members best when our institution is strong and we never lose sight of our responsibility to work together for the growth and improvement of the College. It has become a cliché to say we have lost a sense of community, but clichés, like myths, always contain some truth or they wouldn't be popular. A community has a culture that binds it together and gives it a sense of purpose. Our task is to develop that culture.

As a start, we need to learn our history, advance internal union democracy, support only truly labor-advocating politicians, join with other local trade unionists in protecting collective bargaining gains, and above-all, be vigilant in detecting and resolute in fighting any infringement of human and civil rights in the workplace.

Over this coming school year, we will be calling on you to join in building a stronger union at WCC, a union with a vision supported by a culture ready to define and create a productive future.



WCCFT Union NEWS

A Monthly Newsletter of

Local 2431 American Federation of Teachers (AFL-CIO)
Affiliated with New York State United Teachers

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Calendar of Events

Monthly Meetings:

First Wednesday, 12:00, SCI102

Sept. 8, 2004

Academic Freedom at Stake

Oct. 6, 2004

Adjunct Faculty Issues

Nov. 3, 2004

Building a Union Culture

Dec. 16, 2004

HOLIDAY PARTY

Feb. 2, 2005

Faculty Spring Luncheon

Mar. 2, 2005

Shared Governance

Apr. 6, 2005

Health and Safety

May 4, 2005

The Year in Review

Special Luncheons:

Oct 27, 2004

New Faculty

Mar. 30, 2005

New Faculty

May 16, 2005

VOTE-COPE Luncheon for
Board of Legislators

Conferences:

Nov. 5-7, 2004

NYSUT Community College Conference

Apr. 15-17, 2005

AFT Higher Ed Conference

Summer 2004: Grievance Watch

By Richard Rosell

Over the summer, the Union has dealt with a number of recurring problems with the Administration. The most prominent is the situation in the Nursing Department which was the impetus for a resolution on academic freedom passed by the general membership at its May meeting. The position of the Union at that time was that the Administration could not substitute its judgment for that of the faculty without showing incompetence or wrongdoing. The nursing faculty had considered the disputed question carefully and, in their judgment, the question was fair and clear. Missing that question, along with other low grades, led to a student's earning a grade of D. Unfortunately, over the summer, Dr. Hankin changed the grade to a C over the wishes and judgment of the faculty members with years of experience teaching, assessing and grading nursing students.

A second issue concerned the sudden and unexplained termination of an adjunct faculty member with eighteen semesters of consecutive teaching at WCC, just two semesters away from senior adjunct status. This case was taken to arbitration with a decision expected later in the fall. The Union has grieved similar cases and continues to be disturbed by what seems arbitrary and capricious release of seasoned adjunct faculty close to the time of their reaching senior adjunct status. With over 60% of all sections in most general education courses taught by adjunct faculty, some measure of protection appears to be needed prior to the required twenty semesters (equivalent to ten years of service if the adjunct teaches fall and spring every year). That seems to be a very long period of

probation for any job.

The Union received another complaint over the summer of a faculty member denied the established due process procedure following a student allegation of unfair grading. The Associate Deans are fully aware that the process is as follows: 1) The student is referred back to the instructor with a question over a grade. 2) If the student does not feel comfortable going to the faculty member, a meeting is set up with the department chair and the faculty member. 3) If the matter cannot be resolved at

that level, the student is then referred to the Associate Dean of the Division in which the faculty member teaches. 4) From the Division Dean, the student may appeal to the Vice President for Student Affairs. Any time this pattern is circumvented, the Union will intervene on behalf of the faculty member. It is a procedural, not a substantive question. The validity of the student's claim is not the issue; only the process itself is being protected at this stage. The outcome of the underlying

case, i.e. the student's allegation, must await the institution of proper procedures.

Finally, and predictably, there was another charge against the ESL administration, which this time denied a senior adjunct faculty member's choice of courses to teach, and, in fact, chose to assign that instructor exactly the opposite course, one the instructor had not been teaching on a regular basis.

None of these issues has yet been resolved but are on-going disputes awaiting resolution.

We will keep you current on developments in these and other matters being handled by the Union grievance committee.

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A Busy Summer for WCCFT Officials

Over the summer union members attended three major conferences to bring information and analysis back to Fall strategy sessions. The first was a week-long health and safety conference on indoor air quality sponsored by the American Federation of Teachers. It was a hands-on training in the detection and treatment of all problems involving toxic agents inside buildings, especially mold. The theme of the conference was SELF-HELP: that is, the importance of forming teams of union members to inspect offices, conduct interviews with employees, draft reports and demand institutional plans for correction of disease and illness causing substances present in the workplace. Official "testing" by consultants was rejected as an approach because of the main ways this method of identifying and, of course, subsequently treating the situation is burdened with flaws, not least of which is cost. But more significant are the possibilities of error due to the lack of regulatory standards against which test results can be measured, the timing of the testing (if done in an empty room the test will not accurately calibrate the effects of human occupancy), and the failure of the instruments themselves. Old fashioned eye-balling, nose-sniffing and ear-listening were emphasized as far better (and much cheaper) ways of isolating the problems of "sick building" syndrome. So, beware, mold spores. Union watchdogs will be patrolling the halls and rooms of WCC this year. You cannot escape.

The second conference, the American Federation of Teachers Communications



Association (AFTCA) was the happy occasion of two awards WCCFT publications received: A second prize for general excellence in a newsletter and a second prize for general excellence in a website. Congratulations to Richard Rodriguez, editor of *Union News*, and to Richard

Rosell, webmaster for the WCCFT Union website (www.wccft.org). And the conference was more than receiving recognition. It was an intensive training in all aspects of print and online journalism, including layout and design, photos, art and graphics, as well as content.

A special session on cartooning was especially instructive, so be prepared to find your favorite sacred cows the objects of biting satire.

Finally, there was the week-long American Federation of Teachers (AFT) semi-annual convention, laden with discussion, information, networking and the usual array of illustrative speakers. The heart of the convention is the resolutions which committees debate and send to the floor for approval. This year, over a hundred such resolutions went through this process. They ranged from the dangers of water privatization and the violation of women's rights, to admonitions not to shop at non-union Wal-Mart and opposition to the war in Iraq. The resolutions adopted by the Convention will guide the AFT in policy making for the next two years.

At the Higher Education meeting, union president, Anne D'Orazio, along with Iris DiLutro of CUNY and Patti Bentley of SUNY, received an award from the AFT for her work on the USA PATRIOT ACT awareness day. Plans are already underway to repeat this event next spring.

Finally, the AFT Higher Education Division is now publishing a journal, *American Academic*, and the editors are looking particularly for articles on the community college experience. So keep this in mind as a research project.

All materials from the conferences are available in the union office and more articles based on what members learned at these and other meetings will be appearing in the newsletter this coming year.

“Fair Use” newspaper articles: an online copyright scenario

The WCC Digital Millennium Copyright Act committee would like us to be aware of the law regarding borrowing material for online (and classroom) use. In this issue, the Union News offers the second of three hypotheticals on an instructor’s rights when using someone else’s work product.

A professor would like to post Oncourse [on WebCT] multiple newspaper articles spanning several weeks from a local paper. The articles are news items and are relevant to the subject of the course. Professor subscribes to the newspaper.

Purpose: The purpose of the use of the news articles is educational, which weighs in favor of fair use.

Nature: The news articles are fact based, which weighs in favor of fair use.

Amount: Posting only single news articles and not the entire newspaper probably weighs in favor of fair use.

Market Effect: Limiting access to the articles to only the students enrolled in the course should tip this factor in favor of fair use. However, the continued use of the same newspaper may begin to tip this factor against fair use.

Alternatives: In this scenario, Professor should investigate whether the li-

brary subscribes to the newspaper or a database which includes the desired articles. If so, students should be able to access the articles by linking to the database from Oncourse [WebCT].

Scenario reprinted with permission from Indiana University-Purdue University Indianapolis, IUPUI Copyright Management Center:

<http://www.copyright.iupui.edu>.

For additional information please go to Copyright Information within the Outlook Public Folders and read “Copyright Checklist for Distance Learning Courses.” Please note that this scenario is not legal advice. Individuals should seek legal advice from their attorneys.



WCCFT

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