Before the December 11 College of Marin Board of Trustees’ meeting, UPM members gathered outside the Pacific Café to protest the Board’s refusal to negotiate a fair contract. You’ve heard before about how poorly negotiations are going, and if you read this newsletter, you’ll hear a lot more. About 35 faculty members showed up and held protest signs as traffic slowed, many drivers on their way home honking in support. The Board had announced a pre-meeting dinner but was apparently notified of our protest and, scared off, didn’t show.

As a gesture of good will and empty stomachs, about ten of us ate dinner at the Café, just in case we had inadvertently scared off a few customers from that good restaurant. Those who couldn’t join us hurried back to finals and paper grading. Inside, the owners greeted us warmly and we had a fine meal. Ironically, we sat at the table that the Board had reserved yet reneged on.

Later, even more UPM members showed up at the Board meeting, and after suffering through two hours of formalities and niceties characteristic of end-of-year Board meetings, several UPM members spoke. The Art Department’s Bill Abright also provided his rendition of a lively night (See inside).

Though other UPM members addressed the Board, they did not have written copies of their speeches, so I cannot reprint them here. This edition of the UPM Press is dedicated to UPM’s protest for a fair contract.

To start it off, under this month’s “Ponderings,” UPM President Lansing reflects on the night and on Board-UPM relations in an open letter.

J Sutherland

**Union Press**

**UPM Protests!**

**Ponderings of the President**

by Ira Lansing

**An Open Letter to the Board of Trustees**

At the December 11, 2007 meeting you saw and heard many faculty address you on specific concerns. Later in the meeting after most of the faculty had left, you heard presentations from President White, some students and the
trustees responded to earlier statements by faculty, responses that were quite emotional. President White argued that a “vocal minority” of faculty were attempting to prevent Program Review from happening. Trustee Phil Kranenburg vociferously proclaimed “you [the faculty] are not going to fool the community. …I won’t stand for it!”, while likening the role of the trustees to parents who must discipline unruly children. He complained that faculty “want to work part-time and get paid full-time.” Shortly thereafter, prior to a presentation by a student group, their introduction was prefaced with the comment “now we get to hear something good.”

Trustees and administrators should understand that the students you saw, the activities in which they engage, are our students, sponsored by faculty, supported by faculty, guided and directed by faculty. There are no good and bad faculty—some who help students and support Program Review, and those who do not. Every member of this faculty wants his or her students to succeed and wants WASC to fully accredit this institution. In fact, it was this Union that, in a somewhat of late rare instance, negotiated with the administration the working conditions so that faculty could and would do Program Review.

It was not until the Academic Senate Vice-President, Patrick Kelly, slightly digressed from his report to the Board and said when you say the word “faculty”, when you accuse faculty, you are talking about me and you are accusing me and you are accusing my colleagues, and that is not fair and that is not right. In response, Trustee Kranenburg admitted that earlier he had responded defensively as if someone had thrown a punch at him and his comments were based on “second-hand statements”. Trustee Eva Long followed with the comments that we need to “enhance communication…stop eating our own…and find ways to bridge communication with one another.”

It would seem Trustee Long got it and one would hope the other trustees also understand the faculty presentations to them that night did not focus on fiscal matters, but on the existence of a lack of trust and a lack of communication.

We encourage the trustees to hear first-hand what is going on. There is a standing request to meet with you at any time. This request was turned down a year ago. Think about it again and take us up on the offer if you really support the words of Trustee Long. At the very least, direct your administrators and chief negotiator to engage in a dialog. After all, ultimately we all want the same thing.

New UPM Website
www.unitedprofessorsofmarin.org

Want to check the language in the current contract or see how the next step in the salary schedule will affect your gross pay? You can find the Collective Bargaining Agreement and current salary schedule in searchable .PDF format on the Web site.

Need to get in touch with an Executive Council member, or some other unit member currently serving as a representative on a Union committee? The new Web site will provide you with his or her Union email address. Just click on the person’s name listed on the “Officers & Committees” page.

Check out the website for UPM updates. Look for “UPM’s Tuesday Debriefings.”

UPM Press 2 December 2007
We look for your suggestions on what features we can add to make it a useful and informative tool for United Professors of Marin.

Mike Ransom, Webmaster
The following are addresses to the College of Marin Board of trustees, December 11, 2007 (in order of being recognized by Board President Carol Hayashino).

Board Members:

Earlier this year, you vowed to support union labor during the Modernization process. But your designees’ interactions with union labor have created misgivings among CoM employees. You have signed and agreed to contracts with the various unions at CoM, but many violations of the contract by the very people you have appointed to guide the college have created an intimidating, anti-educational and anti-union environment:

Your chief executive officer recently said in a public meeting that modernization is about “the guys and the girls and the buildings…and fun – not about the curriculum.” Under your CEO’s direction, in administrative retreats, your designees have characterized veteran faculty, instructors who have given 20, 30 40 years of their lives to teaching at CoM, as dinosaurs and instructed lower level managers to cut to pieces the plastic dinosaurs they had distributed. Your CEO has also directed her administrators to carry out anti-union and retaliatory activities against those who speak out. So I ask: Where do you stand with your workers?

Your Vice President of Student Learning has fabricated criteria and used them in place of existing contractual language, and she has refused to meet with UPM leaders to ward off potential grievances resulting from her creating additional criteria; she has ignored existing contractual language by denying contractually assured teaching loads, she has illegally placed threatening letters in personnel files, she has denied contractual rights of Department Chairs; she has denied conference leaves, again based on invented criteria that conflict with the language of the contract. These contractual violations disrespect faculty, but they also disrespect you because you agreed to the contract she is knowingly violating and because you support your workers…. Don’t you?

In response to UPM representatives pointing out contractual language and telling her that she can expect a wave of grievances based on her willful violation of contractual provisions and past practice, your head of Human Resources responded, “Who cares?” This same person refused a long time CoM faculty member’s ETCUM rights to units and employment and admitted under oath she had done so because of the instructor’s disability. Is your attitude towards your workers mirrored by “Who cares?”

Your designees have cleared the house of former administrators and in doing so have cost the District and, thus, the taxpayers of Marin County hundreds of thousands, if not millions of dollars. As you are well aware, a criminal proceeding is now taking place, and other lawsuits are underway. The District’s attorney costs come out of Marin residents’ pockets--dollars intended by Marin taxpayers, the very people who elected you, to go towards education--but your designees are abusing residents’ dollars to bust unions and decimate education at CoM. Where do you stand with your workers and where do you...
stand on the abuse of Marin residents’ dollars?

Though your two chief officers have often claimed previous experience in bargaining—on both sides of the table—you have allowed your designees to outsource bargaining and instead appoint an attorney who has virtually brought negotiations with all unions to a standstill, all the while charging tens of thousands of dollars—often per month!

When recently told his bargaining tactics were “regressive,” the District attorney responded, “So, take it to PERB.” The result? Frustration and anger across all unions, along with fear for our students’ success. Where do you stand with your workers?

Exorbitant attorney fees and no academic representation from the District have made negotiations insulting—no COLA increase, no wage increase, more mandated work, more supervision and attempts to move formerly contractual items to “advisory” capacities. UPM is not alone here. CSEA and SEIU reps are outraged. Where do you stand with your workers?

After you agreed to negotiate retirement savings a few years back, your designees played dumb. Initially, District representatives said that there were no savings; then they recanted and allowed that there might be “some.” So again UPM filed for arbitration. The December 3rd arbitrator’s decision in UPM’s favor will not only cost you the savings, substantial interest—half a million dollars worth—and arbitration and more attorney fees; it will also cost you your credibility with workers and with Marin residents. Where do you stand with your workers?

Another member of your administration has written letters to WASC, making glowing claims of progress and success. These letters have been, in the writer’s own words, based on personal opinion and observations. Yet almost certainly in January, WASC will move us from ‘Warning” status to “Probation.”

Where do you stand with your workers, with Marin residents, with CoM students?

While many if not most departments on campus are crying out for full time positions to be filled, you have allowed your designees to grow administration by nearly 100%. Your designees have flouted the 50% law and blocked requests for financial information. Where do you stand with your workers? Where do you stand on education?

Your designees are attempting to bust the unions of CoM employees, and in doing so, they are attempting to bust education. Where do you stand on workers? On Marin taxpayers? On education? On students?

Your answers will help formulate a new meaning to union busting. CoM workers have begun to fight back and they will be doing the busting. We wanna know where you stand!

John Sutherland

This Board must understand and the people in this room must know that there is a growing, palpable feeling in this college that unless management and the board change their ways soon, we will be seeing another revolt that will not be unlike the turmoil that accompanied the departure of Jim Middleton. I, for one, do not want to see that happen. Nothing good can come of it for the College that I love and have devoted almost half of my life to serving. But it will happen.

I say this because in the view of a growing number of
disenchanted faculty what we have inherited in the last four years is a bullying management team driven by a toxic brew of mean spirited personal vendettas and wrong-headed policies. This cannot stand. It cannot be allowed to stand. We did not dispatch Jim Middleton and his crew with an 89% mandate in order to replace them with an autocratic, union-busting regime intent upon reducing our salaries, eviscerating our contract, systematically destroying the credit transfer program and killing any chance of legitimate shared governance before it had a chance to draw its first breath.

There may be a chance for some of the Board members to come to their senses and to realize, before it's too late, the growing disaster that its policies are creating for the college and its dedicated staff. It's true, there are, perhaps, a few on the Board who are beyond redemption, who are so consumed by a resentment of the faculty that they are no longer capable of rational thinking, but there are others who may possibly see the light before it's too late.

As college professors, we are members of an ancient and noble calling and it is our obligation to make known, clearly and unambiguously, our indignation when our dignity, rights, and intelligence are mocked and undermined. For us, indifference is no longer an option. And so we stand here today to sound the alarm and, despite Trustee Treanor's recent article in the IJ, to tell you that all is not well in this little corner of Marin. We want to alert you to the growing anger in this college so that never again will a Board member be able to say, as Greg Brockbank said, albeit, rather unconvincingly, after Middleton's ouster, that he was "blindsided by events."

The ball is in the Board's court. You and your managers can begin to treat us with the respect that we demand and deserve. You can begin the process of reconciliation. Or you can continue on your present course, feeding the fires of alienation and disenchantment until the college is made to suffer yet another upheaval - one of its own making - that it really cannot afford to have.

Hank Fearnley

Over the past years, as president of UPM, I have received many phone calls or been stopped on campus by unit members and asked "why can’t my dean just do such and such?" or "why can’t Personnel do this? It’s reasonable." Most of the inquiries seem sensible and are certainly important to the person asking. As to why—the answer I have given so many times has been that if it is logical and rational it won’t happen here.

Now one person’s rationality can be another person’s insanity, so I realize my response has a strong element of subjectivity in it. But when I would state that answer, both the person asking the questions and myself knew that I would still be able to go to the appropriate dean or administrator and try to get an answer and try and resolve the problem. No longer.

After decades of cooperative discussion, with neither party always getting what they wanted but at least most often reaching compromises, that door has closed. Administrators have refused to meet with UPM representatives, management committee representatives have said they are too busy to regularly attend governance committee meetings, and the first response to most inquiries is "don’t like it—grieve it".

You as trustees sitting there are used to me standing before you pointing out the failings of the current
system. You have also heard it from the likes of Paul Christensen and John Sutherland, to name but two. You have read it from Arthur Lutz and Laurie Ordin, so what I say tonight comes as no great surprise. What should surprise you though, are the people standing and sitting behind me. You don’t know most, if any, of these people. And in all likelihood you never will. Not because these people have nothing to say, but because they are afraid to say anything.

Behind me is someone who won’t speak up because her assignment was cut the last time she questioned a decision. Behind me is someone who won’t speak up for fear his program will be cut or underfunded. Behind me is someone who won’t speak up because she was removed from a committee when she questioned the fairness of an administrator’s decision. Behind me is someone who won’t speak up because he is in his last year of tenure and does not want to jeopardize his future chances of employment.

You have created and allowed your administrators to create, an environment of fear, doubt and uncertainty. An environment where employees retreat to their job, hoping to go unnoticed by most everyone. This reluctance, this hiding, this fear, is especially despairing because those who should be most on the forefront—the new hire who should be trying out various committees, new assignments and creative ideas—is too afraid. The environment of fear, doubt and uncertainty is too overwhelming.

Just last Friday a faculty member told me she felt things at College of Marin are better than they have been in the last two years. I have no doubt she really sees a positive difference, and quite frankly, it is probably good that she does, that someone does. For if there were no one who could see any good, then you have all allowed an outstanding institution to deteriorate to a point possibly beyond salvation. But the reality remains that if even one person is working here, afraid to act, afraid to speak, afraid to raise a professionally related question, then you as trustees, you as administrators, have failed in your responsibilities.

This is no longer just about wages, benefits and working conditions. We are used to hard bargaining. That is not the issue. It is about being professional, it is about communicating, it is about meaningful and prepared discussion. It is about trust. Too many people standing behind me are working in an atmosphere of fear, doubt and uncertainty. They don’t trust you and I say shame on you for allowing that to happen!

Ira Lansing

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**Connecting the Dots**

**News and Opinion**

by Arthur Lutz

**Brooks’ Law**

In 1975, Fred Brooks, the legendary head of IBM's 1960s programming team wrote a book that became the *vade mecum* of software developers. In it, he expressed what is known as *Brooks’ Law*, an observation which continues to remain true today, not only in the field of software development, but in many other areas of project design. Simply stated it is that, “Adding *manpower* to a late *project only makes it later.*” [F. Brooks; *The Mythical Man-Month*; 1975.]

It was an observation that seemed paradoxical because surely if you increase the number of employees working on a project, the project should be completed sooner. But
Brooks pointed out that when you add new personnel to a project that is already under way, these newcomers require training, and this training diverts personnel who are already working on the project. Moreover, new employees alter an existing team dynamic that may have taken months to establish and which would need time to rebuild. In addition, funding for the new team members often diverts resources from other areas, thus impacting other important programs.

So what seems like a logical way to accelerate the completion of a languishing project – by adding additional personnel - has its own built in set of adverse and unintended consequences.

I thought about these adverse consequences when I learned that our administration is accelerating the work of Program Review by recruiting additional faculty and paying them for their participation.

Perhaps increasing the number of people working on this study will accomplish the goal of removing us from WASC probation, but if Brooks’ Law holds, there could be adverse and unintended consequences.

One of these consequences relates to the impact that the funding for these additional personnel will have on other COM instructional needs.

For months the District has been telling our UPM bargaining team that it has no money and that the District will likely go bankrupt if it gives our faculty a raise. Yet, now here they are, willing to pay hundreds of thousands of dollars to our faculty to participate in Program Review. So either these funds will have to be taken from other much needed instructional services, or else the money has been there all the while and the District has been telling us untruths about the so-called financial infirmity of our college. In either event, it does not speak well for the way that our District conducts business.

But perhaps a greater concern is the possibility that even with this financial expenditure and increased faculty participation, the results will still not pass WASC muster, because, in the District’s desperation to have the task completed by April, the study will once again be rushed, shoddy and incomplete.

Fred Brooks understood the error of establishing unrealistic time-lines for completion of a project, when he wrote, "The bearing of a child takes nine months, no matter how many women are assigned.” Or as another software engineer noted, “One woman may bear a child in nine months, but nine women cannot bear a child in one month.”

Throwing District money and personnel at a problem does not automatically insure that a “child” will be born. The WASC committee was highly critical of the hastily conceived, disingenuous and deceitful Program Review report that our administration submitted in October. Our faculty should not be bribed into lending our good name and credibility to a new study unless it conforms to higher standards. It would be shameful for us to compromise our professional integrity just to save an incompetent administration from embarrassment – and have Program Review repudiated by WASC yet again.

Continued on 8
Dear Editor:

“The one great principle of English Law is to make business for itself”--Dickens

In a recent Marin Voice piece, Arthur Lutz outlines failures of the Frances White administration. However, he does not address this egregious example of misuse of public money and abuse of power: The exorbitant, unique, and very expensive role the College’s attorney now plays in nearly every key facet of College operations.

Thus far in 2007, the attorney has been paid $163,635.00. At his current billing rate, he may hit 300k by year’s end. No College employee’s salary—except the top level administrators—reaches $100,000.00. Professors, staff and service workers have been offered 0% salary increase in current labor negotiations, and students are suffering as fewer classes are offered and the number of full-time faculty declines.

So what is the attorney’s role in CoM business?

1) He represents the College in labor negotiations: If the negotiations are slow or unproductive or if labor practices or illegalities go to arbitration, guess who gets paid more money?

2) When College employees are subjected to harassment, discrimination or unfair treatment, (many allegations of such practices are coming to light now) guess who represents the College in courts of law?

Clearly there is no incentive for this attorney to solve problems, engage in productive negotiations, or ensure an equitable workplace, for to do so would lower his salary.

The real victims are our students, many of whom are migrating north to Santa Rosa JC where the necessary classes are. Despite claims of “skyrocketing” enrollments, numbers show our enrollment is down. Maybe the College’s attorney’s bullying ways reverberate all the way to the classroom.

David Rollison

We are writing in response to recent rosy letters written by members of the College of Marin Board of Trustees and Ron Gaiz, a former administrator and interim dean, appointed by President Francis White. They are a part of a small but vocal group of her supporters who are being treated very well but must be simply unaware of the extent to which this administration has alienated a HUGE number of CoM employees. A recent
statement to WASC expressing this sentiment was signed by approximately 35% of the tenured faculty with many, many more saying either that they were sorry that they hadn’t had a chance to sign or that they were so intimidated by this administration that they were afraid of the repercussions that their signatures might bring. Non-tenured faculty and many staff employees also expressed these fears and were not even asked to sign because of their unprotected status and the brutal nature of this administration.

While the district claims that enrollment decline has leveled off, data actually show a 2.9% decline from Spring ’07 to Fall ’07. Misleading statements that IVC has had enrollment increases of 20% should be viewed with skepticism, noting that the EMT program has been moved from KTD to IVC and is a significant part of this enrollment increase. Now a top-down decision (shared governance indeed!) has been made that Environmental Landscape will be moving to IVC too, much to the dismay of many of its participants, negatively impacting the synergy between this program and Biology. But expect another gleeful report about growing IVC enrollments. The part about the program relocation will be conveniently omitted. It is also true that many documents have been drawn up that would lead one to believe that CoM is making progress toward satisfying WASC requirements. These documents are mostly a façade hiding a seriously dysfunctional college, dysfunctional we feel, to a large extent, because of leadership that is more interested in loyalty than competence, more interested in patting itself on the back with glossy fliers than truly improving the college for the students of Marin County.

A tremendous number of faculty and staff feel completely disenfranchised by an administration which dismisses us with contempt and retaliates by negatively impacting academic programs and, in some cases, removing people from positions and jobs because we dare to challenge the administration’s positions. At present, numerous grievances have been filed against the district, as well as an active whistle blower complaint with the State of California Personnel Board against President White, VP Martinez and every member of the Board of Trustees that was seated during the 2006-2007 academic year. The possible penalties for the whistle blower complaint include jail time! The district spent over $400,000 for legal fees during the 2006/2007 academic year, more than triple the amount it spent the previous year. Is this how Marin taxpayers want their educational dollars spent? Some of this money could have been used to hire new fulltime faculty members and improve programs and services to our students. Instead we have a virtual freeze on fulltime hires while a number of departments have no fulltime faculty members at all.

For many of us, CoM feels more like a dictatorship than an open venue for knowledge and discourse. If you favor dictatorship over democracy then you will agree that we should continue on our current path with this administration and its efforts, keeping in mind that even dictatorships need a critical number of supporters to make them look as if all is well. If you believe that a college is a place where diverse ideas are discussed and respected, then we should call for new leadership at College of Marin.

Laurie Ordin
and, in solidarity,

Maula Allen
Joaquin Armendariz
Jamie Deneris,
Michael Brailoff
Paul Christensen
Sandy Douglass
Rinetta Early
Dr. Fearnley
Donald Foss
Theo Fung
Bruce Furuya
George Golitzin
Deborah Graham
John Jacob
Jeannie Langinger
Arthur Lutz
Dr. Martin
Victor Minasian
Donna Monahan
Matthew Priewe
Mike Ransom
Irina Roderick
David Rollison
Marc Russell
Dr. Carla B. Steinberg
John Sutherland,
Dear Editor:

I am writing in response to the article written by College of Marin professor, Arthur Lutz. Mr. Lutz speaks for the majority of teachers and students with whom I have spoken across our once proud campus. Many COM instructors have not spoken out because of fear of retaliation from the administration. As former head of the Drama Department, I have seen this first hand: for speaking out I was rewarded by having my position dissolved. The people who suffer as a result of this kind of vindictiveness are the students.

I urge the community to put pressure on the Board of Trustees to support students and faculty at College of Marin above the White administration's corruption and cynical manipulation of the public.

What after all are we here for if not for students?

Carla Zilbersmith

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| Teresa Capaldo            |                                      |                    |

| UPM Membership Application |                                      |                    |

I hereby apply for membership in the United Professors of Marin, AFT Local 1610

Date: ______________________________
Name______________________________
Address:_________________________________
City:_______________________________  Zip:_______________
Home Phone:________________________ Campus Ext.:__________
Email:______________________________
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Department:_________________________

Check the appropriate category:
_____ I am a permanent credit or non-credit employee or leave replacement.
_____ I am a temporary non-credit employee on the quarter system.
_____ I am a temporary credit or non-credit employee on the semester system.

Return to UPM Kentfield Campus mailbox or UPM Office, Science center 136

United Professors of Marin
UPM-PAC Payroll Deduction Form

The UPM-PAC (Political Action Committee) provides financial support to candidates and measures that support or benefit education in Marin County and the College of Marin in particular. If you would like to support the UPM-PAC with a monthly contribution, small or large, please fill out the form below and send it to the Payroll Office.

To:     Payroll, College of Marin
Date: _____________________

I hereby authorize the Marin Community College to deduct from my earnings the sum of __________ beginning in the month of ________, __________ (year), and each month thereafter, and to remit this sum to the United Professors of Marin PAC #990958 until I revoke this authorization in writing.

Signature: ________________________________
Print Name: ______________________________
Address: __________________________________
City: ____________________________________
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