Tick-tock, tick, tock, time
on the clock.

Amount paid to the
attorney for the District
during the months of
December and January:
$23,750

The following is excerpted from “The Mind of the Market” by Michael Shermer, as in appeared in the February 2008 issue of Scientific American:

“What may seem like irrational behavior today may have actually been rational 100,000 years ago. … Behavioral economists employ an experimental procedure called the Ultimatum Game. It goes something like this. You are given $100 to split between yourself and your game partner. Whatever division of the money you propose, if your partner accepts it, you are both richer by that amount. How much should you offer? … Research shows that proposals that deviate much beyond $70-$30 split [i.e., your partner gets less than $30] are usually rejected. … The moral sense of fairness is hardwired into our brains and is an emotion shared by most people and primates tested for it. Thousands of experimental trials with subjects from Western countries have consistently revealed a sense of injustice at low-ball offers. Further, we now have a sizable body of data from peoples in non-Western cultures around the world…[and] they still show a strong aversion to unfairness.

In another experiment in which two capuchins were trained to exchange a granite stone for a cucumber slice, they made the trade 95 percent of the time. But if one monkey received a grape instead (a delicacy capuchins greatly prefer over cucumbers), the other monkey cooperated only 60 percent of the time, sometimes refusing the cucumber slice altogether.
In a third condition in which one monkey received a grape without even having to swap a granite stone for it, the other monkey cooperated only 20 percent of the time. And in several instances, they became so outraged at the inequity of the outcome they heaved the cucumber slice back at the human experimenters!"

You may see where I am going with this? “Low-ball offers”, “strong aversion to unfairness”. One might begin to suspect that UPM’s time at the collective bargaining table, sitting across from representatives for the District, is another variation of the Ultimatum Game. A long contract bargaining process is not unusual for us. The procedure involves lots of give and take, refining of proposals, distillation to what is really important. But as this is written, in nearly one year, there have been only four counter-offers by UPM, meaning approximately that many responses from the District. Considering the administration initially wanted to modify 18 out of 26 articles in the current contract, this would seem to be a sparse number of exchanges. In comparison, the final, mutually agreed upon version of the previous contract (2004-2007) had three exchanges just to clarify positions and understandings, and that was on language that had already been agreed upon!

The lack of movement would seem to be on the part of the District an attempt to get the grape without even swapping the granite stone. In any contractual bargaining process there are so many items that it is usually very easy to modify or even delete previous demands—lots of grapes for all! Yet UPM is encountering behavior that would seem to be irrational, or maybe it is just 100,000-year old thinking. But an unresolved contract costs us all—in increased health care costs, lost wages, increased CRA retirement contributions and numerous unresolved issues (like sick leave contributions, scheduling and assignment issues, etc.). It is time to show your support and to let the administration know they cannot continue to stall.

It is time to throw the cucumber slices back!

Stay informed, stay involved and stay in touch.

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?

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

Mike Ransom, Webmaster
TIME TO DISMOUNT

The elders of the great Sioux nation had many wise sayings. One of the wisest of these was: "When you discover you’re riding a dead horse, the best strategy is to dismount."

That’s what many of our faculty believe – that the College of Marin should dismount from the moribund pony called the Fran White administration, and saddle up a new rider.

This view has intensified after the publication of the recent Pacific Sun article [2.22.08] in which Dr. White made comments accusing a "handful of faculty, which has held this college hostage for the last 30 years” of “engaging in bullying, unprofessional behavior, personal attacks, racism and sexism.”

Whether or not you believe that some or any of these charges are true, the airing of them by Dr. White at this time, when we are undergoing intense accreditation scrutiny by WASC, shows a gross failure of intelligent and competent leadership.

Four years ago when Dr. White was hired, she told the Marin Independent Journal [7.24.04] that she would heal the rifts and rectify the blunders of the former Middleton administration. She said that under Middleton "there was a culture of distrust and demoralization on campus” but that she planned to change this “dour” mood at the college "by building relationships with faculty, staff and students, and uniting splintered constituencies.”

Her recent comments in the Pacific Sun however, belie her earlier words, and are so unprofessional and inappropriate that many of us see no alternative but to call for her resignation or removal. Her statements show that she is not the leader who can heal the rifts and change the culture of distrust and demoralization on our campus. By her imprudent statements she has intensified this distrust and demoralization, and in so doing, has jeopardized our removal from WASC probation and endangered our very survival.

Dr. White is killing the wonderful thoroughbred that is the College of Marin, and she should be asked to dismount.

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Calendar Clarification

In the January Press, we presented the proposed 2008-2009 calendar with some ambiguous dates. Spring break will be from April 13 through the 19th. The fall semester calendar is wrong as well. The District counted incorrectly and we are short days for the appropriate number of instructional hours. We are working on a solution--most likely move finals week ahead some days in lieu of adding 3-9 minutes per day to numerous classes. We'll keep you... up to date.
Racism on Campus?

At the February 19 Board of Trustees meeting at the IVC campus, a College of Marin student read a resolution concerning statements made by two of our colleagues—Paul Christensen and Theo Fung. The College of Marin Student Senate, the Associated Students of Emeritus College and the Associated Students of the College of Marin are identified as the resolution’s source.

In it, these student organizations cite email communications from Paul Christensen and claim that a comment in his email is "incontrovertibly racist and inappropriate." Theo Fung’s comments, the student organizations claim, are "inappropriate." The student resolution charging racism and inappropriate comments appears to have been crafted without careful consideration of the context of the emails. Nevertheless, the student organizations demand that the District “unequivocally admonish and censure” Paul and Theo, that the faculty listserv “be discontinued immediately,” and that “Mr. Christensen and Ms. Fung apologize for their statements.” Finally, these student organizations “strongly encourage public servants who are not sensitive to the diversity of our students and our community to seriously consider the benefits of retirement.”

In another mail, Theo’s intent was to add staffing hours to serve students and to ensure safe working conditions for counselors and students alike. She wrote:

"We are trying to support your good efforts as much as we can....but when there is no control in numbers ahead of time the counseling services we provide after the test results are on shaky ground. Your students will not be served. Please......remember it is not how many come in to take the test, but ultimately, how we serve them to enable them to remain at College of Marin. Theo"

The claims center on a 12/19/07 listserv posting by Christensen and on two inter-office emails (1/24/08 and 1/27/08) from Fung. Paul’s posting references a Marin IJ article of 7/24/04, in which President White is quoted as saying, "We need to think about what are the things that will keep our institution viable and relevant," she said. "It’s been a privileged institution and now here comes a new population of students - and a new need. The demographics of the county are changing; it is browning. The college has an ESL (English as a second language) obligation to serve those populations."

Theo’s inter-office emails date back to the beginning of this spring semester, a time at which counselors were doing everything possible to accommodate the rush of students, including arguing with the administration for more support in order to serve them better. In an attempt to get more hours for the counseling staff, Theo wrote to Interim Dean of Student Development and Special Services Nick Chang:

"Nick: You have added more ESL tests during the first week of the semester. The Counseling staff on board is maxed out in hours. Yesterday, a part timer was called in to help......no office space to use. Nick....when you "challenge my statement" I get irritated since you are not around to see the mess in our hallways. At best, the fire marshal will shut us down for having too many people in our area! We need to talk! Theo."

In response to these charges and demands, Paul and Theo issued this statement:
“We strongly object to efforts to portray us as "racist." We are quite cognizant of racial inequities in society, and to misuse such accusations is unjust. From what we understand, we are being singled out because Theo Fung complained about overcrowded conditions and inadequate administrative support for faculty and students, and Paul Christensen opposed a covert plan to reorganize the district, and because of our prominent roles with the faculty Union which has been fighting for faculty rights. These charges appear to be part of an orchestrated attempt by the college administration to intimidate, smear and retaliate against opposing voices. To enlist naive student surrogates and encourage them to make wild unfounded charges of "racism" is the most reprehensible aspect of this charade. To date we have not been provided any specific charges, only a notice of an impending investigation which leaves us all with many unanswered questions. As we learn more we may be able to satisfy everyone’s curiosity. Thank you for your interest.” (1/17/08)

Since these student organizations are so outraged in regard to Paul’s restatement of President White’s use of the term “browning,” let us hope that now, after the facts are known, they will pursue with the same vehemence the original author and hold her to the same standards that they stated in their resolution.

As for Theo, if arguing with the administration for more support with which to serve students and being responsible for student safety make her comments inappropriate, then I guess most of us are guilty of inappropriate behavior too.

J Sutherland

Letters to the Editor

Feel free to voice your comments and/or opinions concerning any article or issue about you, the College or your union. Letters should be signed, but names will be withheld upon request. Please direct your letters to john.sutherland@marin.edu

In response to the student resolution read at Tuesday night’s Board meeting, the following letters appeared on the faculty listserv. They are reprinted here with permission of the authors.

Tonight at the Board of Trustees meeting at IVC a representative from student government read a resolution condemning Paul Christensen and Theo Fung for having made "racist" remarks on the faculty listserv, calling for the listserv to be shut down and for Paul and Theo to be urged to retire. It's sickening to think that our school can give voice to such venom. As anyone who has bothered to look at the facts knows, Paul was quoting Fran White about the "Browning of Marin" as he raised

Continued on 6
questions about evident shifting priorities in college planning prior to the completion of program review and Theo was saying that students "will not be served" meaning there was a lack of adequate attention to a need, not that a minority group would be refused service.

Yet these remarks have been recast as racist, given a public forum, made a part of the College's official record. No one in a responsible leadership position--not President White, Vice President Martinez, AS President Bellisimo, or the absent Student Services administrators, Arnulfo Cedillo and Nick Chang--none of these leaders did a thing to dissuade the student representatives from an obvious misreading of the email messages and this shocking, hateful accusation. It is sad and unfortunate that we have come to expect such destructive acts on their part.

However, it is absolutely unforgivable for the Academic Senate President, Yolanda Bellisimo, to remain silent when members of our faculty are charged with such irresponsible and untruthful accusations.

Yolanda Bellisimo's silence at last Thursday's Academic Senate meeting did not go unnoticed. Her silence again this time confirms the ever growing sentiment among quite a number of faculty that she is not an advocate for faculty rights. Yolanda Bellisimo, as president of the Academic Senate, should be defending faculty from outrageous accusations. Not only has she not come to the defense of our faculty, Paul Christiansen and Theo Fung, but she herself has engaged in spurious, unethical charges of racism of a colleague in her own department, Hank Fearnley.

There are three things that these colleagues have in common, the respect of their colleagues, the respect of hundreds if not thousands of students, and their positions as members of the United Professors of Marin's Executive Council.

The student and Yolanda Bellisimo's charges of racism are an attempt to discredit honorable faculty and the United Professors of Marin. The Academic Senate President, Yolanda Bellisimo, has discredited herself. Yolanda Bellisimo should resign from the faculty of the College of Marin.

Maula Allen
Associate Professor, Mathematics
College of Marin

I attended the board meeting last night, and what I witnessed astonished and saddened me. Two members of our faculty, known for their support of students and of individual rights, were falsely accused of a serious offense. Were that the only issue, it would be quite enough. But it wasn't. The offense of false accusation was nearly superseded by the lack of opposing and outraged response. Only Ira Lansing faced the
accusers, showed the flaw of the charge, and thereby stood up for our colleagues. No other leader made a comment.

Because of Board rules, people like Fran White and Anita Martinez could not respond. But there were others who could. The person in the most significant position to rise up against clearly false accusations was Yolanda Bellisimo, our Senate President. She said nothing. The absence of comment, even a cautionary statement to students so precariously close to libel, was most telling.

Could it be possible that she and others have such distaste for those who rail against abuses of management that she and others can so easily abandon the principles they teach and that they claim to espouse? It would seem so, as evidenced by their silence.

Lawrence Tjernell
English Department
College of Marin

Probation, Contracts and Scare Tactics

Several recent announcements have brought up the question as to what could happen should the College remain on probation, go into receivership or lose Accreditation. Many inquiries center on our contract.

UPM leaders have consulted with attorney Bezemek on what will happen to our contract and report this: First of all, nothing is certain in regard to the contract. What is certain is that if we go into receivership, the Board of Trustees and management will be gone. It is highly unlikely that any faculty or staff will lose jobs.

Several options remain for the rest of us: The state could take over for financial reasons, but since finances are not the issue in our going on probation, this does not appear to be likely for us.

In the event that the State Legislature takes action, we would be transferred to another district, in which case a new district (Santa Rosa? SF City College?) would determine how to proceed with our contract. They might choose to renegotiate it, or they might decide to adopt it and renegotiate at a future time. The amount of time and money it would cost to renegotiate it immediately suggests that the adoption option would be more likely.

It is improbable that our contract would dissolve as quickly as the Board and management would disappear. Claims to this end are scare tactics and should not prevent any of us from doing our job or from fighting for a fair and equitable contract.

J Sutherland

UPM-District Sidebar

UPM is currently negotiating with the District a sidebar that raises the limit on sick leave donations from 15 to 30 days. This sidebar is applicable to any UPM member affected by a catastrophic illness during the 2007-2008 year. We have tentative agreement and should sign off on it soon.
Grievance Update

Resolution!

Last month I reported on grievance resolution meetings that Theo and I have been having with Linda Beam. With a common goal of resolving problems, we have continued to meet to try to work out grievances before they go to arbitration. We are still facing some challenges, but the meetings have yielded some good results. The District and UPM have agreed to terms that will allow us to settle one dispute without it going further. As I mentioned in last month’s newsletter, part of the solution for one grievance would be a joint communiqué, in which we outline the responsibilities in regard to evaluation.

The following, then, is an outline of evaluation procedure. For dates, evaluation team members, frequency of evaluation and responsibilities specific to Probationary, Permanent and Temporary Unit Members, see Article 7. Please be sure to contact UPM to obtain UPM advisor.

Evaluation Summary

- Within specified timeline, District notifies evaluatee of evaluation responsibility.
- Evaluatee chooses peer evaluator and notifies Vice President/Dean.
- If peer evaluator is not chosen within 30 days, the District will appoint one.
- Evaluatee makes syllabi/evaluation tools available to Peer Evaluator/Eval Team.
- Evaluatee schedules classroom visit with Peer Evaluator/Eval Team.
- Peer Evaluator/Eval Team makes classroom visit
- Peer evaluator/Eval Team completes/administers applicable form(s).
- Peer Evaluator/Eval Team submits Progress Report to VP/Dean
- Peer evaluator/Eval Team writes final report, consults with evaluatee, submits all materials to VP/HR.

Important!

7.7.1 Failure of Peer Evaluator to Meet Evaluation Responsibilities.

In the event the peer evaluator fails to initiate the evaluation procedure and/or meet the designated time lines of the evaluation by February 1, the District shall designate a management representative who shall perform the evaluation and the provisions of Article 24.9 shall apply

24.9 Violations of ARTICLE 7, Evaluation Processes

DEFINITION: Failure to Complete the Required Evaluation Procedures in Accordance With the Dates Specified in Article 7.

24.9.1 Penalties. Violations shall be penalized as follows: Warning Letter (as defined in 24.0.2) shall be issued on each instance.

First instance: Censure letter placed in employee’s personnel file.

Second instance: Suspension without pay for 1 day.

Third instance: Suspension without pay for 3 days.

All subsequent instances: Suspension without pay for 4 days.

Once again, please be aware of your responsibilities as evaluatee and peer evaluator. You’ll find everything you ever wanted to know about evaluations in Article 7.

J Sutherland
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<td>PRESIDENT</td>
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<td>BARGAINING TEAM</td>
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<td>Teresa Capaldo</td>
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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: ______________________________
SS#________________________________
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: ____________________________________________
Zip: _____________________________________________
SSN: ____________________________________________