PONDERINGS OF THE PRESIDENT
By Laurie Ordin

WE HAVE CERTAINLY all heard by now of CCSF’s accreditation nightmare. Here at College of Marin, the Academic Senate and UPM will be hosting an event on Feb. 6th from 2:30-4:30 in Deedy Lounge, featuring several people from CCSF. They will share their experiences with us. It should be an interesting and informative event. Please try to be there. In preparation for that event I would like to share with you an article about accreditation issues, written at the end of 2013 by Rich Hansen, who is the Faculty Association President for Foothill-De Anza Colleges. I thought that it was so thoroughly researched and well written that I could not improve upon it.

ACCREDITATION ISSUES ABOUT TO BOIL OVER
by Richard Hansen, FA President

A number of simmering accreditation issues affecting community colleges will come to a boil over winter break. In late December, two lawsuits seeking injunctions to halt City College of San Francisco (CCSF) from closing will be heard in court: In January, a statewide legislative audit of accreditation costs and commission policies and practices is expected to be launched; and, at its meeting in early January, the Accrediting Commission of Community and Junior Colleges (ACCJC) will conduct a final review of its revised standards in preparation for going public with them.

The Faculty Association of California Community Colleges (FACCC) will provide an update and exploration of all of these issues at its Policy Forum set for Friday, January 24th, at De Anza College - this will be an informative and lively event, including representatives from CCSF who will describe what it is like to face a “show cause” sanction and the struggle to keep the college open under threat of closure.

Perhaps emblematic of the secrecy under which the ACCJC prefers to operate, in recent months, faculty have been struggling to get information about the revised accreditation standards the Commission has been considering since Fall 2011 when their Standards Review Committee began its work. In its Summer 2013 newsletter, the Commission reports receiving about 50 written and oral responses “from the field” following a series of three “constituency ” hearings held in 2012 and solicitation on its web site. In addition, the ACCJC says it received input from over 100 individuals representing various groups with specific interests and expertise.

Translating, the Commission heard from college administrators and sought input from those it considers >>
experts. From its first encounter with critics, back in 2009-2010 when the first State Chancellor’s Office Accreditation Task Force drafted a set of seven recommendations for ACCJC improvement, the Commission has insisted that it is accountable only to its members, the colleges it accredits. That is to say, it need not listen to those it considers “third parties,” like the college representatives who participated in the Task Force. As a result, the Commission responds only to the scrutiny of its subjects, colleges that are thoroughly intimidated by fear of getting an ACCJC sanction.

In this carefully controlled atmosphere, the Commission engaged in an internal review of its accreditation standards and, in Summer 2013, announced that, “informed by the extensive, broad-based input from the field, the Commission... identified the areas of revision for development.” Draft revisions were crafted and shared with select “constituency groups,” none of which, apparently, included faculty, because at its Fall 2013 Plenary Session, the State Academic Senate got an ACCJC workshop on only a few select areas targeted for revision. A “final revised Standards document” has been promised for Commission review at its January 2014 meeting after which, presumably, it will be released to the public.

During this same time, faculty unions have been busy in their attempts to lift the veil of secrecy behind which the ACCJC works. To this end, the California Community College Independents (CCCI), FA’s statewide organization, initiated a request for a legislative audit of the cost to colleges of meeting ACCJC demands. Our local State Senator Jim Beall, together with Senator Jim Nielsen, carried this request to the Joint Legislative Audit Committee (JLAC.) Preliminary research convinced the senators that the lack of transparency with which the Commission conducts business required that the audit be expanded to the policies and practices of the ACCJC itself.

Their commitment to the audit was confirmed upon meeting with ACCJC President Barbara Beno and encountering the Commission’s veil of secrecy face-to-face. In remarks at the August JLAC hearing at which the audit was approved, CA State Senator Nielsen remarked that he had never dealt with such an “arrogant, condescending, and dismissive individual” <http://www.youtube.com/watch?v=ImMwEMrTh6w>. Work on the audit is scheduled to begin early in 2014.

Senator Beall joined with Congress Members Jackie Speier and Anna Eshoo to sponsor a town hall meeting on accreditation at CCSF on Thursday, November 7. Speakers were critical of the ACCJC and offered their support and sympathy for City College faculty, staff, and administrators in recognition of the pressures they are enduring while struggling to keep the college open. Many noted that the “show cause” sanction and closure order did not find fault with the academic program of the institution. Instead, the criticisms were aimed at local governance and finance, and most of the issues cited came from City College’s attempt to keep its programs open and running despite the loss of funding due to the state’s economic crisis. This effort ran counter to the early 2012 recommendations of the Student Success Task Force that sought to limit and streamline the community college mission. CCSF simply refused to accept the Task Force mantra that “student access must be rationed.” In contrast, when the Task Force recommendations were codified in SB 1456 last year, the ACCJC was listed among the official supporters of the legislation.

By the end of the town hall meeting, both Speier and Eshoo pledged to do what they could in Washington to keep CCSF open, including an appeal to the U.S. Department of Education (DoE.) The California Federation of Teachers (CFT) and its local bargaining unit at CCSF had taken the same approach when they filed a complaint with the Department of Education in April 2013. In its August response, the DoE agreed with three of CFT’s concerns: conflict of interest insofar as ACCJC President Beno’s husband was a member of the CCSF accreditation visiting team, lack of faculty presence on visiting teams, and lack of clarity between what the Commission “recommended” and what it “required” of a college under review.

The Accrediting Commission recently received another critique from the Department of Education when the department recommended only a 12-month renewal of ACCJC’s recognition as an accrediting agency. During that time, the Commission would be expected to address 15 deficiencies raised in the DoE staff report. This report is sent as a recommendation to the National Advisory Committee on Institutional Quality and Integrity (NACIQI), which will review ACCJC’s application for renewal at its December 12-13 meeting and will then send its recommendation forward to the Secretary of Education.

As part of this recognition process, the DoE reported receiving over 100 “third party” comments, all of which recommended against extending ACCJC’s recognition as an accreditor. While many were from individuals involved with CCSF, four academic senates, three California statewide faculty organizations, and two national faculty organizations sent third party comments critical of the ACCJC. Among these were CCCI and FACCC, FA’s two statewide affiliates. The DoE reported that these comments primarily called into question the breadth of acceptance among the colleges of the ACCJC’s “standards, policies, procedures, and accreditation decisions.”

Later this month, pressure will mount on the ACCJC when two lawsuits seeking injunctions against CCSF closure will >>
be heard in San Francisco State Superior Court. On December 24, the court will hear the case brought by the San Francisco City Attorney, Dennis J. Herrera, on behalf of the people of the State of California. Two days later, the court will hear the case brought by the Law Office of Robert J. Bezemek, Attorney at Law, on behalf of the California Federation of Teachers, its Local 2121 at CCSF, and the college’s teachers and students, all of whom would be harmed by a closure. Bezemek is also FA’s legal counsel.

Both of these suits are wide ranging, covering issues including ACCJC violations of U.S. Department of Education regulations, lack of clarity in identifying “deficiencies” and “recommendations,” various conflicts of interest, inadequate faculty representation on accreditation visiting teams, unwarranted interference in district finances and governance, political motivations and bias, infringement on trustee and faculty leadership freedom of speech, violations of its own policies and procedures, lack of due process and transparency, the retaliatory nature of ACCJC actions, harm to faculty and staff working conditions, and harm to the city and employees if the college closes.

The FACCC policy forum at De Anza on January 24 is a good opportunity for faculty to get an update on accreditation issues. Overall, the actions of the ACCJC with regard to CCSF don’t make much sense. If the goal is to improve the college, issuing a show cause sanction followed by the threat of closure produces exactly the opposite result; as expected, enrollment levels at CCSF are plummeting, and, even if the college stays open, it will be only a shell of what it was: a grand, vibrant educational institution serving the extremely varied interests of its community. If, however, the goal was to punish and downsize the mission of CCSF, then ACCJC may be able to claim success.

Follow up note from Alisa Messer, President of the CCSF Faculty union, AFT 2121:

On Jan. 2, 2014, San Francisco Superior Court Judge Curtis Karnow granted a preliminary injunction to keep City College of San Francisco open until conclusion of the trial to determine whether the Accrediting Commission for Community and Junior Colleges acted in an unfair and illegal manner in sanctioning and disaccréditating the college.

Over two days, this week and last, the judge heard motions from our legal team and City Attorney Dennis Herrera’s team, as well as responses and also counter-motions from the ACCJC. Hundreds of faculty, students, and community members, as well as CFT President Joshua Pechthalt and other labor allies, turned out and packed the courtroom; if you didn’t make it, be sure and ask a colleague who did. It was quite a showing!

As a result of Judge Karnow’s decision, we can all rest and prepare for the semester—or head out to flyer for enrollment—with more confidence. Our current and would-be students, we hope, will be encouraged to enroll. And the judge’s decision means that after two years, the CCSF community can finally expect to see something we haven’t had until now: a fair hearing and a fair process.

Judge Karnow granted the injunction on the basis of the "incalculable harm" that would be inflicted on the students, faculty, employees, and broader community if he did not do so. At the same time, he rejected motions by the ACCJC attempting to dismiss the suits and to slow or halt the process of scrutinizing the Commission’s actions in court.

Both requests for preliminary injunction--ours and the City Attorney’s--asked the judge to ensure the school would remain open as long as the trial proceeds. The judge agreed that it will probably be after July 2014 before the trial would be concluded.

This injunctive relief does not decide the College's re-accreditation or indicate any final decisions. In order to come to this injunction, however, Judge Karnow had to look at the evidence provided so far and weigh the merits of the cases, concluding not just that the harm to CCSF was great but also that the plaintiffs have a strong case. He was decisive about the harm that would result if CCSF were to close: "Those consequences would be catastrophic," to students first and foremost, but also to faculty, college employees, and the San Francisco economy. He also found that at trial "AFT would probably be able to establish that the college was not afforded a fair procedure." We look forward to the opportunity to demonstrate our full case and the necessity of rescinding the sanctions.

There is no doubt that this is a tremendous win for City College. Yet another important independent voice has corroborated that the process leading up to the show cause sanction and disaccreditation was unfair and likely illegal. It should give everyone watching confidence that the court will fairly adjudicate the situation and keep City College open.

I hope that you will take a moment to savor this win and appreciate what strong advocates we have collectively been for our college and our students, the strong support we have in the community and the many important champions for our City College and California’s community colleges who are truly rising to the occasion.

Our work is not over--and we have a semester to begin, and students to teach, and dedicated work to continue together. Thank you for all you do.... Alisa Messer

And as always, one final note from me, your UPM president: Stay in touch, stay informed, and stay involved!
A MESSAGE FROM OUR UPM TREASURER

UPM financial records are available for review at our union office. These statements, bills, dues and documents reflect reports for 2012. 2013 records will be available for review after March 1, 2014.

UPM’s financial reports and accounting procedures conform to the requirements of the US Department of Labor Reporting and Disclosure Act (LMRDA) of 1959.

EDITOR’S NOTE
We encourage your comments and opinions on matters of interest to our UPM membership. Please send your letters to:

arthur@unitedprofessorsofmarin.org.

Names withheld upon request.

UPM STAFF AND COMMITTEES 2013 - 2014

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Laurie Ordin

UPM EXECUTIVE COUNCIL
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John Sutherland

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UPM
United Professors of Marin
Local 1610

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NEWSLETTER EDITOR
Arthur Lutz

OUR UPM NEWSLETTER IS PRINTED IN-HOUSE BY UNION MEMBERS OF CSEA
THROUGH THE FALL 2013 semester and into the New Year, your UPM Bargaining Team has met with the District to ensure safe working conditions, increase wages and safeguard faculty rights. So far, we have negotiated Articles 1, 3, 4, 6, 7, 8 and 9. We have one more Article to present, Article 27 on Privacy Rights.

Last semester, the issue of Evaluations became a central focus due to the depletion of permanent full-time instructors in certain areas. Permanent unit members are an integral part of the Evaluation team and so are necessary to complete the team and the Evaluation process. However, without permanent unit members on the team, an Evaluation cannot move forward. To resolve this problem, last year we negotiated a sidebar allowing any full-time unit member to become part of the Evaluation team, but the District was not satisfied and we went back to the table. The District has promised us language, but we have not yet received any.

Regarding Wages, the District offered a three tier salary increase: a onetime, pro rata payment of $1000; a 1% on-schedule increase, effective July 1, 2014; and another 1% on-schedule increase, active January, 2015. The District also agreed to wage reopeners for the remaining years of the contract. UPM will counter this offer soon. With the other unions on campus receiving the same (or better) offer, along with District commitments to conduct and implement equity studies, we are confident that the 1+1+1 offer will grow—especially since the District has acknowledged it is approximately half a million dollars under the 50% Law.

For the 2014-2015 Academic Calendar, we have settled on an approach that will lengthen breaks between semesters, provide later start times and reduce the number of overall instructional days in the Academic Year.

To achieve this, however, we moved spring break, hereafter to be called something like “Winter Break” or “Ski Week,” into late February.

Creating a Calendar requires that we adhere to Chancellor’s Office guidelines regarding the minimum number of required instructional days per year (175), the number of total weeks (including Flex activities, Holidays and Finals) per semester (17.5) and the number of Saturday classes/Finals. We must also consider that some classes meet only half the semester and these, too, must follow suit. Another factor is that some classes meet only once per week, usually in the evenings. One difficulty is fitting these requirements in with mandated Holidays, many of which fall on Mondays. By overlapping the former spring break with President’s Day, we resolved a huge issue that has previously extended the teaching year, shortened breaks between semesters and moved up start times, especially for spring semesters.

One result of early start times this spring semester has been soft enrollments across the college. It’s understandable that with such short breaks between semesters, students will have difficulty enrolling early, and this semester’s low numbers might well be explained by the January 13 start date. The proposed calendar should help resolve many problems (see inset).

As we make more progress at the Bargaining table, we’ll keep you informed. We wish you all a productive and healthy New Year.
“FOR THE GOOD OF THE ORDER”  
Myth, Mirth and Miscellany for the Union Faithful

REACHING OUT

AT SOME TIME or other, all of us have probably found our jobs and our working conditions at CoM inconvenient, unjust or absurd. Some of this may be due to internal college dysfunction. But many of the causes may lie elsewhere – in the realm of Federal or State government policy.

Over half the U.S. Federal budget is spent on military expenditures, leaving educational programs jostling for the crumbs.

Federal and State policies also impact education in other ways, including regulating the STRS retirement system and the power to legitimize accrediting agencies.

Because of their participation in education policy-making, federal and state representatives play an important role in determining how our college functions.

In order to have an impact on these federal and state decision makers, the California Federation of Teachers (CFT) and the Faculty Association of the California Community Colleges (FACCC) are launching a drive to improve communication between faculty and their state and federal representatives. The first event will be a candidates’ forum for the new State Assembly District, that includes Marin. This will be held in Santa Rosa on January 27th. Later there will be workshops on how to meet effectively with our representatives and advocate for community college interests. Members of our faculty have been invited to participate in this forum.

If you would like to attend this forum as a representative of our College of Marin faculty, contact UPMPAC rep Paul da Silva, x7542 or Arthur Lutz, x8518, or RSVP to: ehawkins@facc.org. Reaching out to our elected representatives will help ensure that our voices are heard and our needs are met. □

Paul da Silva  
UPM Political Action Committee

CCSF IS COMING TO TOWN

ON THURSDAY, February 6th, UPM will be hosting a delegation from CCSF who will discuss their experiences with accreditation and with ACCJC. The presentation and discussion will be held in Deedy Staff Lounge (Cafeteria) from 2:30 – 4:30 PM.

This should be a worthwhile event given that we also are (or will be) subject to the same whims and wiles of the ACCJC accreditation process. We will have an opportunity to learn from CCSF’s experience and about the decision by the SF Superior Court to grant a preliminary injunction to keep CCSF open. □

THE SELF-SACRIFICING UNION STEWARD

HAVING JUST READ the latest book on how to manage his workforce, a college administrator orders his ten-member staff to participate with him on a rock climbing expedition - as a teamwork-building exercise.

Soon thereafter he and his ten staffers find themselves 2,000 feet hanging onto a unfortunately, weight of administrator to let go and the rope no one speaks up. Finally, the union steward says she will let go. She gives a passionate speech about how she’s doing it for the good of the organization – how the college is the most important thing in her life and worthy of her sacrifice, and that she can’t imagine a nobler ending.

Overwhelmed by her dedication, the administrator breaks into applause. □

KUDOS TO DR. COON...

FOR HIS COMMENTS during Convocation saluting the COM staff represented by the Service Employees International Union (SEIU). UPM also salutes SEIU for keeping our classrooms, grounds and infrastructure operational and safe. Teaching would be difficult without their support. Thank you SEIU.
**JANUARY LABOR HISTORY**

**ON JANUARY 12th 1876**, the novelist Jack London was born in San Francisco. He is best remembered as the author of *The Call of the Wild* and *White Fang*, but London was also an active supporter of unions and workers’ rights, and wrote tracts and novels opposing brutal working conditions, child labor and prison atrocities. In 1913 he penned the classic definition of a scab:

“After God had finished the rattlesnake, the toad and the vampire, he had some awful substance left over with which He made a scab. A scab is a two-legged animal with a cork-screw soul, a water-logged brain and a combination backbone of jelly and glue. Where others have hearts, he carries a tumor of rotten principles. The scab is a traitor to his God, his mother, and his class.”

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**ADJUNCT BLUES**

Brian Fanelli

My dinged-up Honda sputters to the next school, next class – Freshman Comp 101, where students in sweats yawn away my 8 a.m. lecture and the new recruit quarterback slouches at his seat, texts while his girlfriend slides her heels up his legs, tap, tap, tapping her pencil all class.

My dinged-up Honda sputters to the next school, next office, where the copier beeps and jams and I imagine yanking out its wired guts, spilling coffee on its circuits, clapping as it smokes and steam.

My dinged-up Honda sputters to the next school, next community clinic for a free flu shot and medicine to ease my chronic cough. The secretary eyes my ironed thrift store suit and tie, says, You sure you need this service?

My dinged-up Honda sputters to the next school, next class, where I ghost through hallways, a blur to full-time faculty. This time I leave all lights on after 10 p.m., go home to red-ink my last stack of exams.

**BRIAN FANELLI’S POETRY** has appeared in a number of magazines. Fanelli worked as a factory worker and adjunct instructor and is currently a full-time English instructor at Lackawanna College in Pennsylvania.

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**WEINGARTEN RIGHTS**

**YOUR RIGHTS** to union representation are known as “Weingarten Rights,” after a 1975 U.S. Supreme Court ruling. Under ‘Weingarten’ you have the legal right to have a union representative present during a meeting with management if the following conditions are met:

- The meeting is an investigatory interview. This means that you are expected to answer questions into possible wrongdoing or unacceptable behavior.
- You “reasonably believe” that disciplinary action might result from this meeting.
- You must make a request for representation. The District is under no obligation to inform you of your Weingarten right to be represented.

If you are in doubt as to whether Weingarten applies, play it safe and contact our union office. We are ready to help if needed, but it’s up to you to assert your rights.
CONVENTION DELEGATE WANTED

THE CALIFORNIA FEDERATION OF TEACHERS (CFT) IS HOLDING ITS 72nd ANNUAL CONVENTION ON FRIDAY MARCH 21st THROUGH SUNDAY MARCH 23rd IN MANHATTAN BEACH, CA.

AS A LOCAL CFT AFFILIATE, UPM IS ENTITLED AND ENCOURAGED TO SEND A CREDENTIALED DELEGATE TO PARTICIPATE IN THE POLICY-MAKING DECISIONS OF OUR PARENT ORGANIZATION. DECISIONS MADE AT THE CFT CONVENTION WILL AFFECT US ALL AT COM AND UPM SHOULD HAVE A VOICE IN THEIR ADOPTION.

OUR DELEGATE WILL BE SELECTED BY A SECRET BALLOT OF OUR GENERAL MEMBERSHIP, AND UPM WILL COVER THE COSTS OF ATTENDANCE, OVER AND ABOVE THOSE COVERED BY PAC FUNDS.

IF YOU ARE INTERESTED IN BEING CHOSEN BY FACULTY TO ATTEND AS OUR UPM DELEGATE, PLEASE CONTACT LAURIE ORDIN FOR DETAILS: laurie@unitedprofessorsofmarin.org, OR CALL OUR UNION OFFICE: 459-1524. THE DEADLINE FOR APPLYING IS FEBRUARY 15th.

UPM MEMBERSHIP APPLICATION

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

Name: ___________________________ SS#: ___________________________
Address: _________________________ City: ______________ Zip: ________
Date: _____________________________ Email: ________________________
Home Phone: ______________________ Campus Ext: ________

Check the appropriate category:
___ I am a permanent credit or non-credit employee or leave replacement
___ I am a temporary credit or non-credit employee on the semester system
___ I am a Community Education instructor

Return to the UPM mailbox or to the UPM Office, TB-124.
And please make sure you have completed the UPM payroll deduction option, in Human Resources.

Please Note: Unless you have filled out the above UPM Membership Application, you are only paying a representation fee and you are not entitled to UPM’s full membership benefits.