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# AAUP NEWSLETTER

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## President's Corner

By Rose Sachs (R)

During the first half of this fall semester, the two activities that have captured a good deal of our time and attention have been the inauguration of our new President and the seemingly ever-growing, never-ending, highly controversial saga of Gen Ed. Both are now behind us: the inauguration and, although the outcome of our General Education Program is yet to be determined, the fury that has surrounded the process, or lack thereof, has been replaced with that which faculty believe is a far more thoughtful, functional, and collaborative approach. So, with the installation of our new President and the animosity created by the initial Gen Ed proposal/timeline somewhat diminished, we are able to turn our attention to other pressing issues.

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## Weingarten Rights

“Know Your Rights”

The Clash

By Tim Kirkner (R)

The National Labor Relations Act (NLRB) gives you specific rights to seek union representation during investigatory interviews. These rights are called Weingarten rights after the company that fought the NLRB all the way to the Supreme Court in 1975.

Unlike Miranda rights, where you have to be told that you have the right to have representation during questioning, under Weingarten employers have no obligation to inform you of your rights to union representation. You must ask for it.

An example of an investigatory interview would be when management questions you for information and you *believe* that discipline or some other consequence may result from what is said. These conversations may be related to absenteeism, poor work performance, lateness, drugs, etc. Not all interactions with management are investigatory interviews. For instance, if you are called in and told that you are being given a warning about being late, you cannot invoke your Weingarten rights. If, however, you then are asked questions related to the subject matter of the disciplinary action (why were you late?), then this becomes an investigatory

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In his inaugural speech, President Johnson cited communication as one of his three initiatives. As the College has grown, and continues to grow, keeping our community informed has become increasingly more challenging. For that purpose, the advent of *Inside MC Online*, which comes out of the Office of the Executive Vice President for Academic and Student Services, has been helpful and, as a happy by-product, has decreased the volume of emails to some degree. Effective communication, then, within a very constricted definition, would keep everyone at the College - students, faculty, staff, and administrators - informed about those areas that are relevant and/or of interest. Of course, a somewhat more complex issue is which individual or group of individuals is given the authority to determine relevancy for another individual or group of individuals – ah, such a slippery slope. So, even within this simplistic view of communication, power is established and decisions influenced by what information is shared and what information is withheld. At the very least, we are hopeful that *Inside MC Online* will facilitate a more functional level of community awareness.

Communication, however, is not simply a one-way stream of information. As our students learn in SP108, communication is a process, a mutual and meaningful exchange. And it is this collaborative definition of communication that is inexorably tied to the process of decision-making, a process that, here at the College, is far more damaged and difficult to repair than the one-way flow of information. Over the last several years, initiatives and programs that have major impact on the lives of our students have arrived on the campuses fully formed and having had little to no faculty input. Granted, there is no opportunity for dissension when initiatives and programs are created in secrecy; on the other hand, there is no opportunity for thoughtful critique and subsequent development either. Without the benefit of multiple perspectives,

newly created policies, programs, and projects often reflect a limited agenda, and are, consequently, lacking in substance; the *Communication Offensive* we hope will not be a case in point.

The *Communication Offensive* seems to have been placed under the direction of individuals whose experience and expertise are not so much in developing and facilitating thoughtful, mutual dialogue, but rather in distilling information into concise and focused morsels that can be quickly and easily understood. The concern is not about the levels of competency of the individuals in charge of the initiative, nor do we believe that communication aimed at mass consumption is without value. That which we find troubling is this: the individuals charged with shaping the *Communication Offensive* have little to no contact with faculty and students. Consequently, we wonder what impact communication that is defined by this particular configuration of leadership will have on student learning.

A second priority set forth by our new President, and one that the faculty certainly applauds, is the College's commitment to social responsibility; the implication, however, perhaps not intended, that this is a new value has not been particularly well received. Many of us chose teaching and counseling over more highly paid professions and the community college environment over more highly-paying four-year institutions because we have a strong belief in social responsibility. Some of us, in fact, were actively involved in the challenge to *make the world safe for diversity* at the very moment those words were spoken by John F. Kennedy because we had a strong belief in social responsibility. And despite the political climate of the country, despite the shrinking resources provided to social and educational institutions, despite the financial opportunities offered by the private sector, despite a blatant lack of respect for our profession on a national level, we have remained

in community college education because we continue to have a strong belief in social responsibility.

We are hearing an increasing apprehension from faculty that, thus far, we seem to be missing from the leadership roles and planning stages of, not only the initiatives on communication and social responsibility, but of all of the major initiatives. Faculty have noticed and remarked that most, if not all, of the individuals recruited for planning and leading the stated initiatives are not from the faculty; in fact, they have minimal, and in some cases, no connection to our campuses and/or our students. Concern has also been expressed regarding how and by whom faculty members have been selected to participate in the initiatives. As far as we know, faculty members have been selected by administrators and not by faculty who are in leadership roles. The limited role of faculty in these initiatives, particularly as they are being fashioned to fit the institution, serves to perpetuate an already existing perception that we are not particularly valued by the administration and is reminiscent of the introduction of the Learning College several years ago. When the Learning College Initiative was *rolled out*, many of us felt as if we had been rolled over. Unfortunately, lessons that might have been learned and used to encourage faculty involvement seem to have been ignored. So perhaps it is not the old wounds to which the faculty are currently reacting, but rather more recent ones.

Many faculty members have expressed concerns about the Student Excellence Expo, not in concept - indeed the concept of showcasing students' work has been, and continues to be, practiced by disciplines and academic areas across the College in ways that develop both the cognitive and affective skills of our students, are tied to course and program learning outcomes, and promote a high standard of academic excellence. However, the Student Excellence

Expo does not seem to be modeled on currently successful efforts. Furthermore, faculty are troubled that the timeline pretty much excluded faculty during the planning stage of the event and conflicts with the standard ebb and flow of the semester. An initial email was sent to faculty - to some faculty - in late July with a response requested by August 9<sup>th</sup>, a time during which the vast majority of faculty are not contracted to be present on the campuses. The event was presented to various faculty groups during October, well after course requirements were determined and syllabi constructed. Between the December 10<sup>th</sup> deadline for students to submit their work and the end of the semester, faculty and students will be involved in final assignments and exams. Of course, after that, both faculty and students will be on break or participating in the Winter Session and, consequently, involved in teaching and learning. Finally, the proposed date for the Expo, February 23<sup>rd</sup>, leaves very little time for faculty, given the responsibilities during the start of the semester, to adequately mentor students. A second, and major, concern that has been voiced by many faculty members is that because the definition of excellence that is being used so contradicts the academic definition, the guiding principles of and values attached to the event may undermine the role of the faculty member and damage the student/faculty relationship.

While functional and productive communication may be problematic at Montgomery College, there is never a scarcity of rumors and/or conflicting information. During the past several weeks, Dr. Shartle-Galotto has brought her *Vision for Change* to various groups across the campuses and requested feedback. Over time, and we assume in part as a response to the feedback received, changes have been made, primarily in terms of the process by which the positions will be filled. As of this writing, two issues remain unclear. Dr. Shartle-Galotto announced at the Academic Assembly that national searches would be conducted for all

three of the new and/or reconstructed Vice Presidents' positions. We have since heard that one of those positions would be filled using an internal search only. A second question is whether the position of the Vice President for Academic Initiatives and Partnerships will subsume the responsibilities of, and, thus replace the position of the Vice President for Learning and Academic Effectiveness as initially intended or be a separate and additional position. We will ask for clarification on these points. The concern that we have been hearing from faculty is not about the creation of a new Vice Presidential position focused on Student Services or about the reorganization of supervisory lines; the concern is whether the level of responsibility and accountability, as well as the intrinsic value of the position of the Vice President for Academic Initiatives and Partnerships, is in accord with those of the other Vice Presidents and the Vice Presidents and Provosts.

On November 5<sup>th</sup>, faculty representatives from the Executive Committee and from Governance were invited to a dinner with members of the Board of Trustees and our Senior Administrators. We selected *The Quarterlife Crisis: Pressures of a Generation* as a topic for discussion and prepared some background readings. Although we put forth some solutions, our expectation was simply to provide the Board with a more in-depth and comprehensive understanding of our students and their issues, many of which are specific to our current socio-economic environment. That which evolved from, and was encouraged by, this genuinely respectful atmosphere was a highly interactive and productive discussion that led to not only a commitment from all factions in terms of developing strategies to assist our most vulnerable students, but also to some concrete action steps. A willingness to collaborate and to hear and incorporate alternative perspectives is not just an exercise in communication; it is the process by which we, both faculty and the Board/Administration, together are able to produce programs and services that are critical to the success of our students.

*Montgomery College...had experienced rapid enrollment growth, expanded to three campuses, and emerged as a mature and significant institution in the life of Montgomery County. The stresses inherent in such a process were becoming more obvious; as communication opportunities decreased, procedures to control interaction proliferated. A self-study...confirmed an underlying sense of internal dissatisfaction which was not congruent with external perception of the generally excellent programs and services provided by the College. [The current initiative] itself grew out of the efforts... to reaffirm the College mission and commitment to teaching and learning within a framework that promoted personal initiative, involvement, and empowerment; emphasized quality; eschewed bureaucratic barriers; and encouraged a culture of community teamwork and mutual support.*

These words were written twenty years ago by Dr. Robert Parilla, then President of Montgomery College. It is not the initiative itself that is of particular interest, but rather the institutional climate and prevailing issues of the time; with the exception of teaching being connected to and a necessary component of learning, they are stunningly similar to the present.

Twenty years from today, many of us will not remember the inaugural speeches, guiding philosophies, or proposed initiatives of our current and/or past presidents; I for one will be happy if I remember my name. Let us hope, however, for the sake of our young faculty members, that we take advantage of the opportunity we have under new leadership to take a careful and thorough look at our organizational structure and infrastructure and that we develop an institutional climate that is characterized by and values an inclusive decision-making process and genuine respect among faculty, students, staff, and administrators.

interview and thus you do have rights under Weingarten.

**Your Rights:**

1. You can request union representation **before** or **during** the interview. If you do, the employer must:
  - A. Grant the request and delay questioning until the union representative arrives.
  - B. Deny the request and end the interview immediately.
  - C. Give the employee a choice of:
    - \*Having the interview without representation (bad move on your part).
    - \*Ending the interview (good choice if union officer is not available).

If you suspect that a meeting is about to take place that will in fact become investigatory, you should read this statement to management **BEFORE** the meeting starts!

*If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative, officer, or grievance office be present at this meeting. Without representation present, then...*

***I choose not to participate in this discussion.***

Keep in mind that if you are **ALREADY** in a meeting and it turns investigatory, you have the right to invoke your Weingarten rights, after which management must respond by granting option A, B, or C.

These are **your** rights in case you find yourself in an investigatory interview situation. Remember, management will not tell you to seek representation; you must invoke the right to do so.

## Who's Who in the Chapter 2007-2008

<b>President</b>	Rose Sachs (R)	567-5077
<b>Secretary</b>	Pat Feeney (R)	567-7484
<b>Treasurer</b>	Bill Talbot (R)	567-5014
<b>VP—Germantown</b>	Bryant Davis	567-7747
<b>VP—Rockville</b>	Rick Penn	567-5182
<b>VP—TP/SS</b>	Tracey Smith-Bryant	567-1396
<b>Past President</b>	Harry Zarin (G)	567-7767
<b>Governance Liaisons</b>	Jim O'Brien (R)	567-5233
	Harry Zarin (G)	567-7767
<b>Grievance Officer</b>	Tim Kirkner (R)	567-5049
<b>At-large Members</b>	Ken Weiner (R)	567-5203
	Trudy Cohen (TP/SS)	567-5544

## January Opening Meeting

Although the Chapter has not previously been afforded a meeting time during the January Professional Week, as a result of some miscommunication and confusion last January, the possibility of two annual AAUP meetings was put to faculty at the May meeting. The faculty asked that a Chapter meeting be scheduled in January. Because of the importance and immediacy of the Gen Ed concerns, we believe that the faculty will be better served this coming January by allotting any time we would have had to the Gen Ed Committee. In the future, however, we will be requesting that a Chapter meeting be part of the January agenda.