

THE SPARK

HARPER FACULTY ~ UNITY BULLETIN

Number 1 Cook County College Teachers Union ~ American Federation of Teachers Local 1600

Harper Faculty Senate Executive

President: Tom Dowd
847. 925.6695
tdowd@harpercollege.edu

Vice President: Sean Noonan
847.925.6432
snoonan@harpercollege.edu

Secretary: Anne Abasolo
847.925.6393
aabasolo@harpercollege.edu

Treasurer: Linda Campbell
847.925.6496
lcampbel@harpercollege.edu

Grievance Officer:
David Richmond
847.925.6845
drichmon@harpercollege.edu

Welcome to the first edition of **The Spark**, the Harper Faculty Unity Bulletin. We hope to publish new editions at the beginning and mid point of both the fall and spring semesters. In this issue we are introducing the members of the Senate Executive, providing updates on the status of the college presidential search and intellectual property rights. Additionally this issue discusses elements of the contract, and your “Weingarten” rights as members of the Harper College Faculty Senate. If you have thoughts, comments, ideas or articles for future editions of **The Spark** please contact Sean Noonan at snoonan@harpercollege.edu.

NEWS FROM THE PRESIDENT

Welcome back! I hope that everyone had a happy and safe summer. The Faculty Senate and the Senate Officers were kept very busy over the summer. Besides the usual host of issues that inevitably pop up, the Faculty Senate had a one-day training retreat in June in order to better represent faculty interests at Harper College. July was particularly busy. The American Federation of Teachers had its annual conference in Chicago. As you know, the Board of Trustees presented the faculty with a contract extension that the faculty approved by more than a 2 to 1 margin. We also had to settle the question of pay periods (20 vs. 26 pays). After numerous meetings, consultations with attorneys, calls to the IRS, and a great deal of research by our faculty members, we were able to continue giving faculty the choice on how they get paid with just the addition of a single form that needs to be filled out. Some of our faculty has also worked with the Board to inform the Harper community of the upcoming referendum in November. And speaking of November, please remember to check out Local 1600’s website before voting. And while you’re on the internet, check out the Faculty Senate website which will be updated regularly. Have a great semester and if you can, we would love to see you at a Senate meeting this year. Please feel free to contact any of the Senators, Senate Officers, or myself if the Faculty Senate can be of assistance. — Tom Dowd

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**HARPER WORKS
BECAUSE WE WORK
AFT Local 1600**

FROM THE VICE-PRESIDENT

Fellow Faculty, as vice president of the Faculty Senate my role is to assist the president in his duties, represent the Senate Exec at the College Assembly, attend CCTU meetings, promote membership in the Faculty Senate and convene ad-hoc committees for the Senate. In addition, this fall I will be editor of **The Spark**, and convening a committee to look into possible changes to the Faculty Senate constitution and by-laws. If you are interested in contributing to these efforts please contact me at 847. 925. 6432 or noonan@harpercolleg.edu — Sean Noonan

FROM THE SECRETARY

My name is Anne Paslean Abasolo. I am a Counselor in the Academic Advising and Counseling Center in I-117. I am looking forward to working with all of you as the new Secretary for the Faculty Senate. Two main tasks that I have been charged with are committee membership and disseminating information. The first task is to make sure the Academic, Assembly and Programmatic Committees have Faculty representation from all different departments on campus. The second is to keep the Faculty informed about different activities and events on campus. If you are interested in a specific committee or would like me to inform the Faculty about an event; please contact me at aabasolo@harpercollege.edu or X6393

FROM THE TREASURER

Treasurer: Linda Campbell, Psychology Department. My responsibilities include balancing our budget, insuring reimbursement from the local, and as previous treasurers have done, encourage fiscally responsible decisions. I have also investigated scholarship possibilities for our students from CCCTU and I make every effort to represent my faculty colleagues at various events. Please contact me if you are interested in contributing to the amenities fund or to the COPE fund.

FROM THE GRIEVANCE OFFICER

Welcome back! I hope everyone had a fun and relaxing summer. There were plenty of issues to keep the Faculty Senate running around much of the summer. I'd like to think that means we're due for a quiet and conflict-free school year, but it doesn't always work that way. As the Faculty Senate Grievance Officer, please contact me if you have questions about the Faculty Contract or if you have concerns about a possible contract violation. My Harper extension is x6845. You can email me (dtrichmond@harpercollege.edu) or if you are more comfortable emailing me at my home address, please feel free (dtrichmond@comcast.net). And please, please remember your Weingarten Rights!

This year, the Faculty Senate is creating a new ad hoc position, the Negotiations Archivist. Sometimes we encounter issues that our current contract does not address or does not address to our satisfaction, but the next negotiations may be years away. By the time negotiations rolls around, some of those issues may be forgotten. So we are charging one person from the previous Negotiations Team to collect potential issues for the next faculty contract. The Negotiations Archivist is not automatically on the next Negotiations Team, but will provide information on the issues the faculty has dealt with under the current contract. Faculty Senate President Tom Dowd has asked me to fulfill that role until the next negotiations. So if you have an issue that may require new contract language for our next negotiations, please send your thoughts and suggestions to me at the contact information above. Thanks. — David Richmond

KNOW YOUR RIGHTS

Editorial Note— This article was published in a previous incarnation of the **Faculty Senate Unity Newsletter**. The importance of the topic addressed is worth another iteration here. Your union is your best defense against arbitrary and unfair treatment.

On February 19, 1975 the United States Supreme Court ruled against J. Weingarten, Incorporated, a national retail store operator. The National Labor Relations Board brought charges against the management of J. Weingarten, Inc. for its refusal to allow employees to have a union representative present during disciplinary interrogations. The Supreme Court's decision established what are commonly referred to as Weingarten Rights, the right of an employee to have union representation during investigatory interviews.

It is incumbent on you to assert your rights. Unlike Miranda Rights, officials are not obligated to inform you of these rights before an inquiry begins. The Supreme Court's decision allows you to assert your Weingarten Rights any time you are questioned by a supervisor and you have reasonable belief that possible disciplinary action or a change in your working conditions could result from the interview. If you are being questioned, you should insist that the meeting be rescheduled when you can have union representation present (see below). Once you request representation, supervisors have three choices.

- * They can request that you waive your Weingarten Rights, but they cannot use intimidation, threats or pressure to get you to waive your rights. (There is never a good enough reason to waive your Weingarten Rights.)
- * They can end all questions and drop the issue.
- * They can temporarily stop questioning and reschedule the meeting at a time when you can be represented by the union.

Any other action by supervisors constitutes an unfair labor practice.

There are many reasons to have union representation during any questioning. The representative serves as a witness to ensure accurate reporting of your answers. The representative has the right to give relevant information on the issue, to ask that questions be rephrased or clarified, and to speak privately with you before you answer any questions. However, the representative cannot tell you what to say, nor can you be instructed to "remain silent." Asserting your Weingarten Rights can provide you with critical protection, but you must request representation.

Hopefully you will never need to invoke your Weingarten Rights, but if you find yourself in a situation where an administrator is asking you questions and you are worried about possible negative consequences, simply say:

"If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that a union officer be present. Without representation, I choose not to answer any questions. This is my legal right."

— David Richmond

THE COLLEGE PRESIDENTIAL SEARCH IS ON

The search for Harper's next president is now officially under way. An orientation meeting for search committee members took place on July 17, under the guidance of Academic Search Inc. consultant Dr. John Pickelman, with trustee Dick Hoffman serving as chair and trustee Rita Canning as vice chair of the committee. The meeting was primarily devoted to outlining the details of the search process: timeline, selection procedures, and a code of ethics governing committee conduct.

Some items that may be of interest to faculty:

- Academic Search Inc. will conduct extensive focus-group interviews in September with key college constituencies: trustees, faculty, administrators (all levels), support staff, student leaders, community leaders, and others, so that the committee and board members will have a firm grasp of the characteristics and qualities interested parties wish to see in our new president. Open forums will also be held so that everyone will be assured of a chance to chime in on this important decision.
- The position will be officially advertised beginning in October, and applications will be evaluated and reference-checked through early December.
- Interviews will be conducted in mid-January, with finalists invited for on-campus interviews in late January and early February.
- After board members select and receive a commitment from the new president, they expect to announce the appointment in mid-spring. The new president should begin his or her tenure in May, working in tandem with President Breuder until he (Breuder, that is) officially steps down.

[Note: The timeline may change as events dictate.]

Faculty members are of course encouraged to talk to committee members (full-time faculty serving on the committee include me, Tom Dowd, Kathi Nevels, and Paul Guymon; adjunct faculty are represented by Arlene Bublick) to express their views, ask questions, offer moral support, or just generally be annoying. We do ask, however, that all faculty respect the committee's need to preserve absolute confidentiality in its deliberations. Candidates' identities, for instance, will be revealed only after the committee officially releases the names.

The college is currently setting up a link off the HIP page with information concerning the process as it moves forward, and interested faculty will be able to consult that site regularly. I'll pass along the relevant site information when it becomes available. — Tryg Thoreson

In Upcoming Issues of the Spark:

- **David Richmond on the History of Labor Unions and Society**
- **Sean Noonan on Collective Bargaining and Labor Relations**
- **Contributions from You and Your Fellow Faculty**

INTELLECTUAL PROPERTY RIGHTS UPDATE

New guidelines addressing intellectual property issues are now under review. This brief report highlights provisions regarding ownership:

College employees own any intellectual property created on his or her own time without the use of substantial College resources or financial support. “Substantial” describes resources or support beyond that usually and customarily provided, such as extensive use of the Department of Instructional Technology, or financial support in the form of a fellowship or special project grant.

Full-time faculty own any intellectual property created in the course of their employment, including but not restricted to course materials such as syllabi or lecture notes. The College, however, owns course outlines, Blackboard course shells, and works produced by faculty as members of College committees. The College owns intellectual property created in the course of employment by all other College employees.

Before the creation of any intellectual property using substantial College resources or financial support, the College and College employee are to draw up a written Agreement regarding ownership, sharing, and revenue distribution. Without an Agreement, ownership will be divided equally between the College and College employee. Interested College employees should contact his or her designated union representative and the Vice President of Administrative Services. Disputes will be handled according to the grievance procedures outlined in each College employee’s contract.

Any work created or commenced before approval of the new guidelines is governed by the terms of the 1990 Copyrights and Patents Manual: “Legal title to inventions and written materials will be held by College personnel if it is judged that less than 100 percent College support was received for the project.” Further details are to be found in the draft document (see handout). Comments and questions can be directed to committee members Teresa Chung, Kim Fournier, and Collette Marsh. – Teresa Chung

KNOW YOUR CONTRACT....SENIORITY RIGHTS

Securing seniority rights has always been important to labor unions. The idea behind seniority rights is that those who have worked the longest for an organization, shown loyalty, and helped the organization develop deserve consideration and protection. But seniority rights have the potential to be a double-edged sword for union members – sometimes protecting more senior employees while leaving junior employees more vulnerable.

Page 9 of the Faculty Contract is the main area that discusses seniority rights at Harper College. For faculty, seniority is used for “assignment of classes, selection of overloads, non-teaching faculty assignments, summer school teaching assignment” as well as the order of a Reduction in Force (page 21 of the Contract). What this means is that most faculty commonly use seniority rights to determine class selection. Typically the faculty members in a department select their courses in order of seniority. After everyone has selected their class load for a semester, then overload classes would be selected, again in order of seniority. This process respects seniority while giving junior faculty opportunities to teach desirable schedules as well. If a senior member of a department chooses to change his/her schedule after classes have been assigned, the class that he/she gives up should be offered to the full-time faculty members in order of seniority before it is given to an adjunct faculty. (Continued on Page 6)

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What is important to note is that seniority rights do not give senior faculty the right to “bump” junior faculty after classes have been selected. The Union cannot support harm to one member to benefit another Union member. Seniority gives the right of first selection, but not the right to continually revise a schedule at the expense of another faculty member. While some departments have allowed senior faculty to bump junior faculty, it is not contractual nor is it a policy that the Union espouses. The contract does allow departments to propose a different class selection process by the vote of the full-time faculty in the department (page 9). However, such a process would not be contractual, should be reviewed regularly by the members of the department, and could be changed by a later vote of the faculty in the department.

— David Richmond



**Mark Your Calendar
Faculty Senate
Meeting
Wednesday
October 29th**

The Spark

A great flame follows a little spark.

-- Dante Alighieri

One kernel is felt in a hogshead; one drop of water helps to swell the ocean; a spark of fire help to give light to the world. None are too small, too feeble, too poor to be of service. Think of this and act.

-- Hannah More

Our brightest blazes of gladness are commonly kindled by unexpected sparks. --Samuel Johnson

The clash of ideas brings forth the spark of truth.

-- Australian Proverb

At times our own light goes out and is rekindled by a spark from another person. Each of us has cause to think with deep gratitude of those who have lighted the flame within us.

-- Albert Schweitzer

It is stern work, it is perilous work to thrust your hand in the sun And pull out a spark of immortal flame to warm the hearts of men. -- Joyce Kilmer

I feel again a spark of that ancient flame. -- Virgil

Even the smallest spark shines brightly in darkness.

-- Latin Proverb