



CLOSE ENCOUNTERS

Ohlone College UFO Newsletter



President's Corner!

By Carmen Madden

Greetings Faculty! And Welcome to the UFO Newsletter.

2018-2019 will no doubt be tough years for unions. Many of us at the independent colleges are already feeling the effects of the Janus decision by the Supreme Court earlier this year and more may be coming. Still, I project for us at Ohlone that we are in the



beginning stages of "The Winning Season". I know it sounds crazy especially since the road for the unions looks bleak, but I am not crazy, nor am I an

optimistic dreamer. The Winning Season, doesn't mean that we have won anything. In truth, we haven't. Our grievances are on-going, and frankly, more absurd than ever; A leader that refuses to answer questions but delegates that task to someone else who really doesn't know the answer; faculty members turning on each other instead of the district, and even telling other members not to go

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to the union; and as if all that wasn't bad enough, more administrators are being hired, but we still have no money according to the district. In fact, we went from 4 million to 6 million behind. Yikes!

Still, with all this going on, I think we are at the beginnings of a winning season. Why? Because for the first time in a long time, people are

aware and talking about it. As most of us know, ignorance is not always bliss, and it can be costly. One only has to look at our contract to see that. We are stuck in a 3 year contract that gave us .41% raise and no rights. In fact, much of the contract is outdated and the articles when examined don't really make sense. Therefore, we have a daunting task ahead of us for negotiations. I mean, what district wants to give you something when they have everything?

Yet, what puts us in the winning season is not what the district has or perceives to be, it's us. Faculty drive the school. And, we the faculty are realizing our worth. The reason why there are more grievances is because faculty are standing up for themselves. Faculty are questioning the district motives and reasons, instead of blindly going along with things as they did in the past. Faculty are saying no. And as this season comes into formation, faculty will stand in unison against this district and say, we are faculty, we drive this college, we want, our 15%, and we want a President and administrative team that are with us and not against us. Then we will have truly won. To those

My Resignation

Ralph Ballart

Dear Faculty,

After almost 10 years, I've decided to retire from my retirement job as an Ohlone physics instructor. I've enjoyed working with the entire Physics faculty and participating in the UFO as secretary. I learned a lot. I've told Carmen that



my resignation as UFO secretary will be effective on August 17.

My original plan was to end my Ohlone career by teaching the new physics course I designed for Respi-

ratory therapy students. I developed the course at the request of Michael Blaisdell of RT and received no compensation. Unfortunately, the course was abruptly canceled without consultation with the Physics department and my Fall assignment appeared to be selected to cause me maximum inconvenience. There is a reason why the administration and past UFO leadership did not want seniority based reemployment preference for part-time faculty. In hindsight, I'm very glad that I had the opportunity to work with Ray in the last election; occasionally the good guys do win. I certainly wish you all the best success in working for Ohlone's faculty and in your teaching careers. Best regards, Ralph Ballart

Know Your Digital Privacy Rights

By Isabel Reichert

Dear colleagues, friends,

This summer California passed one of the nation's toughest online privacy laws which resembles, in



large part, EU's General Data Protection Regulations. When enacted in 2020, companies won't be able to sell an internet user's personal information if he/she/ they opt out -- although

companies will still be able to share personal information. With all of the law's shortcomings, I still believe this is a step in the right direction, particularly after the plundering of the Facebook data of 87 million people by Cambridge Analytica. I am a staunch supporter of internet privacy, and I believe that we deserve to know who is collecting our information and why. This leads me to my next point.

During the Spring semester, I became familiar with a situation in which a few of our students secretly recorded an instructor in the classroom. After class, the same students continued to record the instructor without his/her/their consent. In the context of an institution dedicated to teaching and learning, we cannot permit data collection without the stated consent of all parties involved. It is a profound intrusion of our privacy and undermines our professional discretion and our academic freedoms. Additionally, as an instructor, I strive to create an environment of trust for my students to express their thoughts, think critically and explore the world with all its complexities and contradictions. Recording changes the dynamics of the classroom and can undermine these educational goals.

I am not concerned about students that are snapping pictures of whiteboards or recording a lesson in my class with my consent so they can access the material later. I am referring to secretly recorded classroom discussions in which different view-

points are expressed which can be used to pressure, intimidate, or cyber bully faculty or other students.

Recording a teacher or other students in a classroom might not only be inappropriate but also illegal. California Ed Code EDC § 51512 states that "the use by any person, including a pupil, of any electronic listening or recording device in any classroom of the elementary and secondary schools without the prior consent of the teacher and the principal of the school given to promote an educational purpose disrupts and impairs the teaching process and discipline in the elementary and secondary schools, and such use is prohibited." In addition, California is one of 12 states nationwide to require "two-party consent" for any recording that involves two or more participants. While those restrictions exist, they are often not enforced by school districts, and the damage might already be done before the infraction is discovered.

Orange Coast College and 20+ more colleges in school districts across Southern California clarified their stance on classroom recordings by posting signs in classrooms stating that: "Students may not record in the classroom without the teacher's permission." This policy is backed by state law and contains only one exception, which is that students with disabilities are allowed to create classroom recordings if it helps them learn. Ohlone College Student Code of Conduct includes a policy on "unauthorized preparation, giving, selling, transfer, distribution, or publication of any contemporaneous audio, video or photographic recording of any person or thing while in the classroom, or equivalent site of instruction, without the prior permission of the instructor or DSPS, except as permitted by any College policy or administrative procedure." While the policy is clear, it would help to lay out these guidelines beyond the student handbook and to deliver them orally at school-related events, and post them in classrooms so that students, faculty and staff know and understand what is expected.

Serving the Public Interest: Teachers Teach and Students Learn

By Ray Buyco

I write this article not only as your United Faculty of



Ohlone College Part-Time Faculty Representative at Large, but also as a concerned American

and Californian. Like you, I did not enter the teaching profession to enrich myself, but rather to share my love of learning and inspire students to believe in their intellectual potential so that they can grow to be productive members of our community. I still believe in that mission. However, there have been several developments at Ohlone College over the past several years that should be alarming to everyone who believes that a college should be a place where teachers teach and students learn.

Over the last decade, the size of the administration has grown at Ohlone College while full-time faculty salaries have declined (when taking account of inflation) and adjunct faculty salaries maintained their position as the lowest in the Bay Ten Community Colleges. The college has some of the highest administrative salaries in the state. For example, Ohlone College President Gari Browning earns a salary of \$473,000, a similar compensation package as CSU presidents of much larger campuses. In the fall of 2016, the college had a student body of less than 10,000 full and part-time students, yet there were at least seventeen senior administrators who

earned close to \$200,000 in total pay and benefits. The numbers of high paid administration officials continue to rise (at least three more hires are slated for 2018), while full time faculty density is in decline. How did they do this? They cut needed classes and kept the ratio of low-paid adjuncts to full-time faculty high in favor of funding this top-heavy organization. In the academic year '17-'18, more than sixty percent of Ohlone Colleges courses were taught by adjunct professors, many of whom live below the state poverty line. Since teachers teach and administrators do not, it is a disservice to the students to spend so much money on executives, especially for a college as small as Ohlone.

Additionally, President Browning wants the college to make money in the real estate development business. The administration plans to develop Fremont campus property for residential housing and retail business. On June 6, 2016, President Browning asked the Ohlone Board of Trustees to approve a ground lease agreement that would allow SteelWave LLC to develop 15 acres located along Mission Boulevard into a 275-unit apartment complex and 17,910 square foot commercial space. On June 14th, 2016, the board rubber stamped Browning's proposal, and now, SteelWave and the administration are campaigning with city officials to obtain approval for the project. This development will make it even more difficult to travel down Mission Blvd, and therefore could have unintended consequences for enrollment at the college by making it less convenient for students to attend classes.

Meanwhile, the Academic Core project at the Fremont campus, for the purposes of edu-

cation (the business we are in), has been delayed two years. In a January 24, 2014 speech, Dr. Browning claimed that the project would be finished in the fall of 2017. On May 17, 2018, the president said she anticipates "full usage of the buildings in fall 2019." This two year delay and the administration's effort to raise additional money for the Academic Core with a fundraising dinner in November could be an indication that they may have already spent all the original bond money. With this in mind, can we really trust President Browning to manage a major real estate development deal?

On August 29, 2017, Ohlone College Vice President Susan Yeager announced that the administration was considering investing two million dollars of college funds in the stock market, at "no risks to district" "to make additional money." Well, anyone who lived through the financial crisis of 2008 should know a little bit about market risks. The administration is also considering getting into the wine and olive oil business. Should Ohlone College risk public money in the stock market or become olive oil and wine producers?

Teachers teach and students learn, yet the policies of the administration have moved the college's mission away from that goal by not providing fair wages and a reasonable seniority-based rehire rights agreement for part-time faculty, and by maintaining low full-time faculty density. Instead, they have created a fiefdom of high paid administrators that have focused on public-private partnerships in real estate development, wine and olive oil production, and risky Wall Street investments. Unfortu-

nately, the current Ohlone Board of Trustees have been a rubber stamp for the administration's pay raises and non-educational ventures. The citizens of Fremont and Newark require a Board of Trustees that will provide the needed oversight that will freeze further executive raises, and hold the president and her lieutenants accountable for any mismanagement of public funds and questionable accounting methods.

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Isabel Reichert

A publication of the Executive Board for the United Faculty of Ohlone
<http://ohloneufo.org>

Why We Need a Union

If there are some faculty still wondering why we need a union? Here is a partial list of reasons:

1. P/T Sick leave missing hours due to District errors-attorney involved
2. F/T workman comp/sick leave issue - still not resolved
3. Dean overloading faculty member duties and telling faculty in two departments that they were under-assigned for the last 30 years. - in negotiation
4. District re-organization w/out UFO Negotiation rights for the year were not allowed per contract... UFO has the right to strike per contract - negotiation
5. District not complying with EERA law on a whole list of issues in dealing with union- negotiation (legal counsel involved)
6. Faculty member pushed by student -admin didn't investigate - resolved
7. Student plagiarism policy not complied by District - resolved
8. Student discipline policy not followed by District - resolved for one case
9. 403B and 457 change - not given to UFO to review. District refused to disclose the Federal form 5500 or explain the new vendor, a 25-year-old with a brand-new company and little experience - will be negotiation matter
10. Faculty being bullied by administration - ongoing
11. P/T with seniority rights not getting classes while others without seniority rights pick up their classes - resolved for some but continues to be an issue. Faculty must come forward to the UFO.
12. Pt evals, two UFO officers not offered classes they could take - in process
13. IEPI and Guided Pathway-negotiated payment by UFO, \$40k in stolen wages recovered
14. Non-disclosing of secret investigations of faculty members based on little evidence - resolved but is an ongoing issue unless faculty comes forward to the UFO (legal counsel involved)
15. Academic Core - office assignments - UFO worked with Faculty Senate - resolved
16. Illegal faculty evaluation procedures for tenure track employees, ongoing (legal counsel involved)
17. District refusal to acknowledge Intellectual property as outlined in UFO contract - ongoing (legal counsel involved)
18. Students taping of instructor - resolved for that particular case
19. Pushing of faculty members by Dean at graduation - resolved but no investigation by administration
20. Research into status of construction of academic core... admin refuses to provide information- ongoing
21. Research into mission development... admin refuses to disclose the data it used to determine that the development would not harm attendance - ongoing
22. District refuses to provide negotiated course release for UFO exec team-resolved
23. District refusing step placement based on wrong UFO article- resolved
24. District refusing assistants for various programs- in process

As stated above, this is just a partial list of the cases that the UFO has been handling. Some have been resolved, but others are in mediation and or negotiation. All of these though are serious, and show that our District has a real problem with honoring faculty rights/contract and most have needed legal counsel to help provide a strong, fierce defense. If you have ever wonder why we need a union and pay fees, the above list says it all. Defense.