

Chabot-Las Positas Faculty Association (CLPFA)

FACULTY FOCUS

Volume XII, Issue 9 – September 2010

Increased Lab Load Pay

By Charlotte Lofft, FA President

This is a repeat of the email that was sent to all the faculty on September 13, 2010.

Some of you wrote to the FA to say that you had not received your proper lab load pay in August, based on increased lab load factors that were negotiated recently. We have investigated and have been assured of the following by the District:

“Payroll will be making retro payments in the September checks of faculty who didn't get paid in their August checks (which would be everyone working under the new load factor) and regularizing the increased pay beginning with that check. On those checks there will be a line indicating pay for load factor increases, so it should be easy to see that payment was made.”

We anticipate that this matter will be completely resolved by the end of this month. Let us know if there is an issue at that time.

Health Care Reform Act And Coverage for a Dependent Child

By Charlotte Lofft, FA President

This is to provide information regarding the Health Reform Act which was signed into law on March 2010. The Act provides for extended medical coverage for adult children up to age 26.

The effective date of this change is based on an employers plan year and must begin no later than the first day of the first plan year beginning on or after September 23, 2010. The District's plan year is July 1st of each year; therefore this change will be effective July 1, 2011 for CLPCCD employees.

If you have a dependent child who will turn 25 prior to July 1, 2011, coverage will end on the month of his/her birthday. For example, if the dependent's birthday is November 15th, coverage will end November 30. The dependent will be eligible for continuation of coverage under COBRA. COBRA allows for continuation of benefits for up to 36 months at your own expense. Information regarding COBRA eligibility is available from the CLPCCD Benefits Office.

The Health Reform Act also provides for a one-time special enrollment for eligible adult children under age 26 who lose coverage and then become eligible under the Health Reform Act. This special one-time enrollment period will be held during the District's next Open Enrollment Period (effective July 1, 2011). Notice and enrollment procedures will be provided at that time.

Your health provider may also provide information regarding the Health Reform Act. Please note that it is information only and the CLPCCD plan year and benefits that incorporate the Health Reform Act begin July 1, 2011.

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Chabot Las Positas Faculty Association

Disabled Students - Faculty Rights and Responsibilities

By Charlotte Lofft, FA President (This was written by Ms. Patricia Lim, FA Attorney, and is being paraphrased from Ms. Lim's work.)

This article was published last semester, but since the new academic year is getting started, it is worth repeating.

The FA has been involved in some recent matters related to the rights of students with disabilities and the related rights of faculty to instruct all students in the class and maintain their individual faculty academic freedom in the process. FA attorney, Ms. Patricia Lim, has provided the following guidance on these matters. Please contact me if you have any questions about this topic, and I will approach Ms. Lim for help with your questions. The material below was written by her. Ms. Lim states:

Legal Analysis

The Chabot and Las Positas Community Colleges are covered by two separate but complementary federal disability discrimination laws. Because the colleges receive federal monies, they are subject to Section 504 of the Rehabilitation Act of 1973 (Section 504). In 1990, the Americans with Disabilities Act (ADA) was passed. Under Title II of the ADA, the Colleges are defined as "public entities" and therefore, also subject to the ADA. The Office of Civil Rights (OCR) in the Department of Education enforces both laws, and has prepared helpful guidelines to better understand the mandates and limitations of disabled students and faculty rights under both laws.

Both Section 504 and Title II prohibit discrimination on the basis of physical or mental disability. As part of that mandate, these laws also require that disabled individuals are provided (1) access to educational programs and facilities and (2) "academic adjustments" and/or auxiliary aides in higher education. An academic adjustment and/or an auxiliary aide is an accommodation that facilitates access to educational programs and facilities. Examples of "academic adjustments" include: priority registration, reduced course load, extended examination time, substituting one course for another (if not an essential course for the degree program), and extending the length of time to complete assignments and other academic activities. Examples of auxiliary aides or services include: taped texts, note takers, interpreters, readers, videotext displays, talking calculators, Braille calculators, printers or typewriters, closed caption decoders, and assistive listening devices.

In providing an academic adjustment, the Colleges are not required to lower, substantially modify or waive any essential requirements and/or standards of a course or program. See *Southeastern*

Community College v. Davis, 442 U.S. 397, 401-402, 405 (1979)(holding Section 504 does not compel educational institutions to make substantial modifications to their programs to allow disabled persons to participate); *MacGregor v. Louisiana State Univ. Board of Supervisors*, 3 F.3d 850, 860 (5th Cir. 1993)(finding that a disabled law student's request to attend school part-time would force the school to lower its academic standard or compromise the reasonable policy of its academic program and that Section 504 does not require that much); and *Dougherty v. Southern College of Optometry*, 862 F.2d 570, 574-575 (6th Cir. 1988)(waiver of a necessary program requirement is a substantial rather than merely reasonable accommodation).

This is true for instructors as well. The instructor is ultimately responsible for ensuring the "integrity" of the course he or she is teaching. Therefore, the instructor may verify the student's disability as well as the pre-approved academic accommodations. The instructor also has the right, based on the course outline and syllabus, to determine how well the student is learning the required material and to grade accordingly. The Colleges and/or instructor can also require that the disabled student adhere to the College's code of conduct, including attendance policies.

Attendance policies are outlined in the Colleges' Student Handbook titled "Academic Regulations and Student Rights and Responsibilities." Attendance is clearly an essential course and/or program requirement; a student cannot learn and/or participate in the course if he or she is not present. The disabled student's ability to learn and keep up with the rest of the class is dependent not only on his or her attendance but also that of any aides in the class. Late arrivals disrupt the class, especially when spaced out over the class period.

Conclusion

Faculty are well within their rights to ask that the disabled student and any aides respect the classroom rules, course outline and syllabus as well as other class members by arriving to class on-time and with a minimal amount of disruption. To "waive" these rules is to lower the standards faculty set for their students and compromise their course performance. Ultimately, a student's attendance problems will impact his or her performance, but the law gives the instructor the right to determine how well the student is learning the required material and to grade him or her accordingly.

Recommendation

In researching this subject-matter, I discovered that many colleges have adopted Faculty Rights Statements. There are many versions available on the internet. I strongly recommend that the Union consider creating a faculty rights statement as well, ideally with the support of all concerned parties.

Chabot Las Positas Faculty Association

Disabled Continued

Finally, the Union should propose negotiations with the District over the impact and effects of the disability laws on faculty. It is problematic for each member of the faculty to have to imagine on their own the nature of their responsibility. Ideally, a negotiated agreement will (1) put the burden on the administration to assure compliance with State and Federal laws, while (2) assuring that faculty have adequate administrative support and assistance to assure that the course objectives can be met for all students. The process might include a provision for a joint union-management meeting, with the instructor, the Disabled Student Services coordinator, and the administration, to avoid problems and/or resolve issues before they escalate.”

Name Changes:

Impact on our Membership List

By Charlotte Lofft, FA President

The recent ballot measure for FA Officers alerted us to the issue of the impact of a name change on our Membership List. If you change your name after filling out a Membership Form, please notify our Membership Representatives. They will ask you to fill out a new form with your new name, which they will transmit to our Treasurer for record keeping.

Only members can vote on ballot measures, including contract ratifications. There is always some confusion about the fact that everyone has to pay Agency Fee, which is 100% of the Membership Fee. Hence, some folks think that they are members just because they see the CLPFA deduction from their monthly pay warrants. You are only a member if you have filled out a Membership Form!!

If you are a Part-time faculty person who has had a hiatus from the District then you may need to fill out a new Membership Form upon your return in order to have voting privileges. If you have any questions about your membership status, contact one of the following:

Chabot College: Shari Jacobsen, Membership Chair

LPC: Debbie Fields, Membership Chair

Either college: Kevin Ankoviak, Treasurer

It is our pleasure to serve you

Fall 2010 Calendar

Flex Day	October 26
Last Day “W”	November 5
Veterans Holiday	November 12
Thanksgiving Holiday	November 24 – 27
Last Day of Instruction	December 14

Part-Timer’s Corner:

Welcome back to the fall semester to all of us part-time teachers still lucky enough to have assignments! We have had many cut-backs, but not nearly as severe as many had feared. When classes are cut, we part-timers are the ones who lose. Don’t forget our two most important aspects of help:

1. **Unemployment compensation:** If you do not receive an assignment, you are due unemployment insurance! We have had a long and difficult summer with many of us applying for EDD assistance. An unprecedented number of folks have been denied coverage and had to appeal before administrative law judges. But so far, all who have had to go that far have won their appeals. The law is on our side here. Even if we have been tentatively offered assignments in a future semester, that is NOT “reasonable expectation” of future employment, and we are DUE unemployment checks. The union has pledged to support anyone going through denial of claims. Please let your union know if you are having problems with this complicated process.
2. **The contractual seniority process:** When part time layoffs occur, they must be done in order of seniority. While this may not always seem fair, it is the only job security that longer serving adjunct faculty have. If you are not offered assignment in a semester, you should make an effort to check the seniority list posted online or in your division office. No one lower in seniority should be teaching if you are not. In addition, a new seniority list should be coming out this fall. It is your obligation to check it for accuracy and let your dean know if there are mistakes. Spring assignments will be made soon, probably using the new seniority list. If you have any questions or problems with the seniority process, please contact your union.

Erwin Barron

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Teri Donat

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Part-timer list-serve discussion group

http://groups.yahoo.com/group/chabot_pt_faculty/

Chabot Las Positas Faculty Association

TO: All Faculty in the District

FROM: Charlotte Lofft, FA President

RE: Academic Calendars for 2011-2012 and 2012-2013

Colleagues: The Calendar Committee met and composed the attached Academic Calendars for the next two years. These were approved by the Board of Trustees last Tuesday, September 21. Please consider them to be final and refer to them as needed for your personal and professional use.

I would like to thank the Calendar Committee for such prompt and efficient cooperation in this matter.

Fall 2011			Spring 2012		
Monday	August 15	Convocation Day			
Tuesday	August 16	College Day	Monday	January 16	Martin Luther King Holiday
Wednesday	August 17	Classes Start	Tuesday	January 17	Classes Start
Saturday	September 3	No Saturday Classes	Friday, Sat. Monday	Feb 17, 18, 20	Presidents Weekend Holiday
Monday	September 5	Labor Day Holiday	Saturday	April 7	Saturday Classes Meet
Friday	November 11	Veteran's Day Holiday	Monday- Sunday	April 9 -14	Spring Break
Saturday	November 12	Saturday Classes Meet			
Wednesday- Friday	November 23-25	Thanksgiving Holiday			
Saturday	November 26	No Saturday Classes	Saturday	May 19	Saturday Finals
Wednesday	December 14	Finals	Monday	May 21	Finals
Thursday	December 15	Finals	Tuesday	May 22	Finals
Friday	December 16	Finals	Wednesday	May 23	Finals
Saturday	December 17	Saturday Finals	Thursday	May 24	Finals
Monday	December 19	Finals	Friday	May 25	Finals
Tuesday	December 20	Finals	Monday	May 28	Memorial Day Holiday

Fall 2012			Spring 2013		
Thursday	August 16	Convocation Day			
Friday	August 17	College Day	Monday	January 21	Martin Luther King Holiday
Monday	August 20	Classes Start	Tuesday	January 22	Classes Start
Saturday	September 1	No Saturday Classes	Friday, Sat. Monday	Feb 16, 17, 18	Presidents Weekend Holiday
Monday	September 3	Labor Day Holiday	Saturday	March 30	Saturday Classes Meet
Saturday	November 10	Saturday Classes Meet	Monday- Sunday	April 1 - 6	Spring Break
Monday	November 12	Veteran's Day Holiday			
Wednesday- Friday	November 21-23	Thanksgiving Holiday			
Saturday	November 24	No Saturday Classes	Saturday	May 18	Saturday Finals
Friday	December 14	Last Day of Instruction	Thursday	May 23	Last Day of Instruction
Saturday	December 15	Saturday Finals	Friday	May 24	Finals
Monday	December 17	Finals	Monday	May 27	Memorial Day Holiday
Tuesday	December 18	Finals	Tuesday	May 28	Finals
Wednesday	December 19	Saturday Finals	Wednesday	May 29	Finals
Thursday	December 20	Finals	Thursday	May 30	Finals
Friday	December 21	Finals	Friday	May 31	Finals