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**THE DVC REORGANIZATION BATTLE – AS WE
LIVED IT**

*Gay Ostarello and Barbara Sawyer, Retired Faculty and
Past Senate Presidents*

(Authors' note: As major participants in the "DVC Reorganization Battle," we were disturbed to read Bruce Koller's generalized chapter in the 60th Anniversary book on that momentous episode in DVC's history. We believe that an historical record needs to exist to explain those years for our DVC colleagues now and in the future. Therefore we have undertaken to record the facts. Because of the length of our account, it will be divided into two parts.)

The CCCCD has just published its 60th anniversary "living history book," heralded by a book signing on Oct. 5, 2009. The book is described as a "collection of stories" with every chapter "told by the guest authors who lived the stories."

"The Battle Over the Reorganization of Diablo Valley College" was written by faculty member Bruce Koller. Well, this may be "Bruce's Story," but it is not history. His chapter includes omissions and factual errors, which were undoubtedly unintentional on Bruce's part, but since both of us truly "lived the story;" and Bruce was not very involved, we want to tell "our story as we lived it."

We believe and still believe that the "battle," rather than a clash of "differences of style and personality among the college leaders" as Bruce characterized it, hinged on the legality of Title 5, 53200, which states that "faculty roles in governance" require "collegial consultation" leading to "mutual agreement" before changes may be implemented. We believed and still believe that the good of the college and preservation of its long history of equality and cooperation between faculty and administration, and the test of Title 5 were worth the battle.

Gay Ostarello was DVC Senate president at the time the battle began, and Barbara Sawyer was the past Senate president. The two of us were heavily involved in the debate. We attended numerous meetings with faculty, college administrators, district administrators, and the State Chancellor. We scoured records for pertinent documents to assist in writing the legal briefs needed to plead our case. Other faculty members, most notably George Turner and Irene Menegas, aided us, but we had the most direct hands-on contact with the unfolding drama.

Of course, we were not privy to private district and college administrative conversations and, in that sense, even our information is incomplete, but we believe a better portrayal than that in the District's 60th anniversary book of the events that occurred must be recorded.

Complete documentation of all the events chronicled below can be found in the DVC Faculty Senate archives, but we have omitted references to write a more readable account. We have summarized some activities that took place rather than listing each one separately.

Evolution of Division Chairs by Mutual Agreement

- In 1968 faculty division chairs were elected by majority vote of division faculty.
- By joint agreement between faculty and college administration in 1977, the procedure for selection changed. Division faculty elected nominees from the faculty; the college president made the selection from those nominees. The procedure was mutually agreed upon by the administration and the Senate and became part of the district procedures' manuals.
- The mechanism for removing a division chair changed by mutual agreement in 1980.
- Faculty and administration agreed on the establishment of the division chair system even before AB 1725 and Title 5 regulations spelled out the academic and professional matters requiring collegial consultation.

- We agree with Bruce who describes the merits of the division chair system as “the living embodiment of a genuinely democratic partnership.” It was an example of shared governance at its best and was deeply respected by most faculty and even some administrators.

DVC was, indeed, ahead of its time.

Edelstein’s Dissatisfaction Surfaces

- Soon after arrival at DVC in 1996, then President Mark Edelstein made casual comments expressing his dissatisfaction with the faculty division chair structure. Although it had been the practice for the college president to meet with the division chairs on a regular basis, Edelstein halted that practice.
- During the last three and a half years of Sawyer’s terms as Faculty Senate President, she met almost weekly with Edelstein. He occasionally expressed his concerns with division chairs. Sawyer responded that he was free to open “collegial consultation” with the Faculty Senate regarding “faculty roles in governance.” as explicitly detailed in Title 5, Section 53200 and adopted as Board Policy 1009 by our Governing Board. Since he was a former statewide Academic Senate President, she trusted that he knew and would follow the law.
- In one of her first meetings with Edelstein in January 2000, he told the new Senate President, Ostarello, that the division chair system did not work for him, but in the next year and a half of weekly meetings he never once mentioned any plans to change the division chair structure. If he discussed the issue informally with any other faculty members, it was certainly not in the context of consulting with the Faculty Senate.

Re-organization Plans Unfold

Note: Bruce’s story has some of the events out of order. The correct timeline is as follows:

- On Aug. 13, 2001, Edelstein met with the division chairs and hinted a change was in the offing.
- Upon hearing from division chairs, Ostarello asked Edelstein directly on Aug. 14 if there was a plan in place to replace division chairs with deans. He assured her there was no plan and assured her that faculty and administration would work together to decide on any future changes.
- The next day Ostarello reported this conversation to Faculty Senate Council, and the council agreed to invite Edelstein to the next meeting to initiate a collegial discussion.
- On Opening Day 2001 both Edelstein and Ostarello reported to the assembled faculty and staff that any changes to division leadership would be arrived at collegially. Faculty were encouraged by Edelstein’s comments and looked forward to fruitful discussions.

- Early in the Fall Semester, several divisions passed resolutions in support of faculty division chairs. Edelstein expressed anger about the resolutions at a meeting with Ostarello.
- In July 2001 four faculty members (Marge Lasky, Sue Shattuck, Laury Fischer, and Gay Ostarello) and three administrators (Terry Shoaff, Dan Martin and Mark Edelstein) began meeting with an outside facilitator to work on ways to improve the campus climate and communication between faculty and administration.
- At the Sept. 13, 2001, meeting Lasky asked Edelstein directly: Would changes in the division leadership be decided jointly by faculty and administration? In a surprise answer, Edelstein mandated that division chairs would be replaced by deans. This announcement stunned everyone present, even the facilitator. The action was contrary to the very goals of collegiality the group was trying to achieve. All hope for improved communication and better relations between faculty and the college president died with this pronouncement.
- On Sept. 17, 2001, in a memo to the college Edelstein announced the change.
- According to Bruce’s account it was the divisions resolutions that “apparently led the president to conclude that faculty were not willing to approach the decision with open minds and caused him to issue” this memo. However, we later learned that the decision to eliminate division chairs was made some time the previous spring or early summer, thus all the rhetoric and assurances of collegial decision-making were hollow promises.

Faculty Outrage and Action

- More than 100 faculty members met on Sept. 17 angered that Edelstein was reneging on his promise to make changes collegially. Loud cries called for a vote of no confidence, but finally the group decided to attempt more constructive steps to reach a conclusion.
- Faculty members wrote letters to the Governing Board and to the State Chancellor requesting a ruling for “collegial consultation to reach mutual agreement” in accordance with Title 5 before any changes were adopted. Such consultation was and is required!
- Job descriptions for deans and other academic managers were presented to the Governing Board in October 2001. The job description for division deans was moved to the December Board meeting, but the other academic manager positions were approved over the objections of the District Faculty Senates Coordinating Council.
- DVC faculty then developed a modified division chair proposal which they presented to Edelstein and other administrators as a starting point for collegial consultation. Even a cursory cost comparison showed

that division deans would be more expensive than faculty division chairs. .

(A detailed cost analysis by United Faculty in March 2003 noted that the District's cost analysis was flawed. United Faculty estimated that salary and benefits for the division deans at DVC would cost CCCCDD an additional \$551,706 per year.)

- Edelstein refused to engage in "collegial consultation to reach mutual agreement" as defined in Title 5. Although the various proposals were discussed jointly, no agreement was reached by December.

Board Action and Mediation at DVC

- In December 2001 the District Governing Board approved the division dean job description, but, at the same time, it directed the college presidents "to confer with their Faculty Senates to attempt to reach agreement by March 30 on whether a modified division chair will remain at their colleges and, if so, in what capacity."

Bruce's account incorrectly states that the president was instructed to consult with the college community, including classified staff and students. The Board only required the president to confer with the Faculty Senate indicating that the Board recognized this issue as, at least, a special matter if not an academic and professional one.

- Faculty hoped that modifications of the division chair system could satisfy the needs of all, but the administrators, especially Edelstein, were so angered by the Board's decree that discussions stalled in January 2002. Both sides agreed that formal mediation was needed to comply with the directive from the Governing Board. Faculty members Rick Gelinas, Sue Shattuck and Greg Tilles joined Sawyer and Ostarello while Carol Maga, Diane Scott-Summers, Terry Shoaff and Francisco Arce joined Edelstein on the administration team.
- Despite hours of mediation over four weeks, no agreement was reached. Instead, each side presented a mediated proposal. The administration's proposal did not include any vestige of a faculty division chair structure although it did propose that full-time division deans would teach one class each year. The faculty's proposal was for a three-year trial of a highly modified faculty division chair position with chairs devoting more time to administrative duties than to teaching.
- Bruce says the faculty plan was based on the belief "that this would keep the issue within the realm of collegial consultation and give them leverage in terms of future reorganizations." As participants in mediation, we can attest that was not the rationale behind the faculty proposal. We had hoped to retain our unique system of faculty division chairs in some

form because we believed a close link between faculty and management was the best way to provide quality educational programs and instruction.

- Results of the failed mediation effort were reported to the Governing Board at the Mar. 20, 2002, meeting.

The Reorganization Plan

- On Apr. 5 Edelstein laid down his reorganization edict in a memo to the college community. Eight permanent division deans were to be hired for the 10 divisions. A single dean would head the English and Business divisions and the Life Science and Physical Education divisions. This arrangement was and still is a nightmare. The hastily married divisions were not only very different in terms of their curricular offerings and requirements, but they were widely separated from each other physically making the dean's job extremely difficult.
- On Apr. 9, 2002, the Faculty Senate Council approved a recommendation for a Vote of No Confidence against Edelstein as follows:

President Edelstein's:

- autocratic leadership style,
- inability to develop mutually agreeable solutions,
- pattern of unilateral actions,
- consistent undermining of shared governance,
- creation of a working environment that is both highly polarized and demoralizing, and
- lack of respect for faculty expertise to establish an effective teaching and learning environment

have caused the DVC Faculty Senate Council to unanimously call for this Vote of No Confidence.

- On Apr. 23, 2002, **91.5 percent of the faculty voted No Confidence in President Mark Edelstein.** The word spread rapidly across the campus and across the state.

Edelstein's Plan to Leave DVC

- Less than two hours after the no confidence vote was announced, a DVC faculty member received a phone call from a faculty member at Santa Barbara City College (SBCC) revealing that Edelstein had applied for the position of President/Superintendent of SBCC and was about to be appointed to that position.
- Although the exact sequence of events is unknown, clearly Edelstein applied for the SBCC position and

entered into negotiations regarding the job and his compensation while mediation efforts were in progress. Bruce says the application to SBCC came after the vote of no confidence. That is not correct. Clearly, Edelstein was planning his departure at the same time he was steadfastly insisting on a reorganization plan that was sure to wreak havoc at the college.

- As soon as SBCC released Edelstein's name as the finalist for its position, their faculty began to vet him. Although they contacted a few DVC faculty, they garnered the bulk of their information from people who had worked with him at College of the Redwoods, Palomar College, and at the statewide Academic

Senate. SBCC faculty presented their findings to the Board of Trustees and persuaded them to reconsider the appointment.

- Following further discussion and negotiations, Edelstein withdrew his name from consideration at SBCC.
- Meanwhile, the CCCC Governing Board assured Edelstein that despite the overwhelming vote of no confidence, he had their support as DVC College President. It was a bleak moment for the DVC faculty as the 2001-2002 year came to a disappointing close.

**DIABLO VALLEY COLLEGE FACULTY SENATE RESOLUTION
CURRICULUM CHAIR EXTRAORDINAIRE CLAUDIA HEIN
November 24, 2009**

Whereas, Claudia Hein has served as the Diablo Valley College Curriculum Committee Chair from Spring 2005 through Fall 2009;

Whereas, as Curriculum Chair Claudia Hein has demonstrated outstanding leadership in establishing and promoting high curriculum standards while maintaining a supportive and collaborative environment for educating faculty and administering state guidelines;

Whereas, Claudia Hein has streamlined the Title 5 re-write process, opened dialogue among administrative departments and faculty on important curricular issues, used tech review as a cooperative process for flushing out issues and resolving them to clear the path for new courses and programs;

Whereas, in response to the Accreditation Commission placing Diablo Valley College on Show Cause sanction Claudia Hein said adamantly "Not on my watch" and then worked tirelessly to address the curriculum recommendations;

Whereas, Claudia Hein in Spring Semester 2009 served on the Accreditation Oversight Task Force and co-chaired Accreditation Work Group Four, and ensured over 650 courses were in Title 5 compliance;

Whereas, Claudia Hein accepted the responsibility to deal with accreditation issues by developing processes and procedures over and above the current shortfalls so as to improve rather than just remediate – all with a smile and pleasant demeanor;

Whereas, Claudia Hein at the helm of the Curriculum Committee was the truly rare combination of drill sergeant, unconditionally-loving mother, and walking encyclopedia of any and all curriculum regulations;

Resolved, That the Diablo Valley College Faculty Senate recognize Claudia Hein's extraordinary and distinguished service as Curriculum Chair; and

Resolved, That the Diablo Valley College Faculty Senate convey to Claudia Hein its appreciation for her leadership, vision, tenacity, collegiality, dedication and integrity while serving as Curriculum Chair.



SUSTAINABLE PRACTICES AT DVC

Melissa May, Sustainability Committee Member

The Sustainability Committee advocates for a decision making process that meets the needs of the present generations without compromising the ability of future generations to meet their needs. The committee is dedicated to implementing green practices at DVC by increasing college participation and awareness regarding environmental sustainability. Currently, one of our top priorities is to improve campus-wide recycling. Though we are making small strides, we are excited to share our progress.

Battery Recycling

As many of you noticed, there is no longer a battery collection bin located outside of Central Services. Over the past few years, DVC has accumulated over 1000 pounds of batteries that the college must pay for proper hazardous waste disposal. The suspected culprit behind the battery build up is employees bringing their batteries from home, which in our current fiscal state, DVC can no longer support. Therefore battery collection in the Central Services area has been suspended.

The Sustainability Committee is requesting that each department collect batteries used in their area and the Sustainability Committee can facilitate their proper disposal.

For personal battery disposal, there are numerous, convenient recycling programs in Contra Costa County. You can drop off used batteries at many local businesses such as Ace Hardware, Staples or the Central Contra Costa Sanitary District at 5019 Imhoff Place in Martinez. You can also visit the following website: <http://www.co.contra-costa.ca.us/depart/cd/recycle/options/u-waste.htm#Batteries>

Campus Recycling

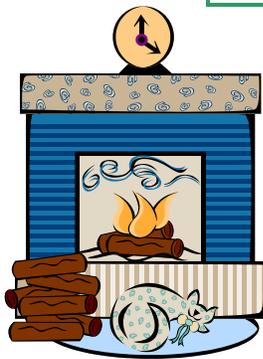
The Sustainability Committee has also been making an effort to increase paper, plastic, aluminum and glass recycling across campus. Allied Waste provided blue recycling bins for all administrative offices on campus to encourage recycling. However, we have not been able to implement recycling in classrooms due to various extenuating factors. For example, proper disposal of food and drink containers in classrooms has proved to be more difficult than expected. Students have created sticky classrooms by throwing away half-full drink containers which leaves the custodial staff with a mess on the walls and floors. We are still working on an effective (and clean) way to recycle these containers at the exterior of the buildings.

Paper recycling, on the other hand, does not create the same problems as plastic or aluminum bottles. The Sustainability Committee will be investigating a way to implement paper-only collection bins in classrooms. These containers will be appropriately sized so that other, messier objects can not be placed inside the bins. It is a small start to overcoming a large problem, but we are hopeful that this will make a difference if everyone participates.

You Can Help!

One of the easiest ways to help us make DVC a more sustainable place is for you and those around you to recycle. Want to help out more? We are always looking for new, active members to help lead us to workable solutions. If you are interested in joining the Sustainability Committee, feel free to contact me with more information. mmay@dvc.edu

PUBLISHERS NOTE The Forum is a biweekly publication of the Diablo Valley College Faculty Senate. Its pages are open to any faculty member, manager, classified staff member, or student who wishes to communicate something of concern and interest to the campus community.



Baby, it's cold outside

DVC FACULTY SENATE VOLUNTARY CONTRIBUTIONS

DVC Faculty Senate has accounts to receive voluntary contributions to support the Faculty Senate Voluntary Fund and the Faculty Senate Legal Defense Fund. The Voluntary Fund has traditionally paid for the Faculty Lecture, the Faculty Senate Dinner Theater beverages, the DVC Retirement Dinner and gifts for retirees, scholarships and other events as approved by the Faculty Senate Council. The Faculty Senate Legal Defense Fund has been paying down the debts incurred in the lawsuit over Division Deans and still have a ways to go. You can help by donating through a payroll deduction or a quarterly, annual, or lump sum donation. You can use the form below to submit your pledge of support. Thank you!

LEGAL DEFENSE FUND PLEDGE FORM

Please fill out this pledge form and the enclosed authorization card and return BOTH to the Faculty Senate Office. To ensure your donations are designated to the Legal Defense Fund do not return pledge forms or authorization cards to payroll.

Print Name _____ **Date** _____

Department _____

Faculty Senate Voluntary Fund Payment Options

Monthly payroll deductions

***Complete attached payroll deduction authorization card**

Monthly contribution _____

Check for lump sum

Send written check to Faculty Senate Office

Contribution amount _____

Legal Defense Fund Payment Options

Monthly payroll deductions

***Complete attached payroll deduction authorization card**

Monthly contribution _____

Check for lump sum

Send written check to Faculty Senate Office

Contribution amount _____

***Fill out only one payroll deduction authorization card and include your total monthly contribution. The Faculty Senate Office will use this pledge form to allocate the funds to legal defense and/or the voluntary senate sponsored activities.**

THANK YOU FOR YOUR SUPPORT AND GENEROSITY!