

**ALL FACULTY ASSOCIATION
EXECUTIVE COUNCIL
MEETING MINUTES**

April 8, 2009

(Approved by Executive Council on April 22, 2009)

Executive Council members present (noted by *):

*Warren Ruud, <i>presiding</i>	*Cheryl Dunn	*Michael Ludder	*Greg Sheldon
*Alix Alixopoulos	*Lynn Harenberg-Miller	*Sean Martin	*Audrey Spall
*Lara Branen-Ahumada	*Johanna James	*Michael Meese	*Mike Starkey
*Paula Burks	*Michael Kaufmann	Dan Munton	<i>One Reg. Fac. Vacancy</i>
*John Daly	*Reneé Lo Pilato	Andrea Proehl	

Officers/Negotiators present: Ted Crowell, Ann Herbst, Janet McCulloch;

Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:04 p.m.

MEMBER CONCERNS

1. Due Process for Faculty. Cheryl Dunn brought forward a concern from several faculty members, who had asked her what kind of recourse faculty members have if they are being reprimanded. They were wondering if there is a process for faculty similar to the one that faculty use when a student is behaving in an inappropriate manner in the classroom. If probationary faculty members step out of line, do they get a second chance? Cheryl told the faculty members that the AFA Contract and the Conciliation/ Grievance Officer are there to protect their rights.
2. Load Lookup and the Student Information System (SIS). Michael Ludder reiterated a concern raised by others at prior Council meetings regarding the fact that, with the implementation of the new SIS, faculty members have lost the ability to look up someone else's load. He said that many adjunct faculty members use the load lookup function to determine how loads have been assigned, and that they often find problems that way. Now, they no longer have an "early warning system." Michael requested that this public information be made available again. Warren Ruud stated that this problem is on AFA's radar and it has been raised in discussions with the District. In response to AFA's queries about this issue, the District has said that Computing Services is having a problem separating out personal (private) information (such as home phone number and address) that is displayed now in addition to load and schedule (public) information. Warren said that AFA is continuing to monitor the District's progress in resolving the problem.
3. Increases in Class Size. As a follow-up to a member concern raised at the March 25, 2009 Council meeting, Warren Ruud reported that he and Mike Meese have found several instances in which class sizes were increased, but the proper contractual procedures may not have been followed. They are continuing to work on the matter. Warren added that, once the involved parties were informed about the process, the situation began to improve.
4. Break in Service and Eligibility for Sabbatical Leave. Warren Ruud reported that he resolved the member concern raised by Mike Starkey at the March 25, 2009 Council meeting with the individual involved.
5. Restriction of Fall 2009 Classes. Sean Martin raised a concern about the restriction of the Fall 2009 schedule. He stated that the issue is underappreciated and has special implications for adjunct faculty. The schedule is being restricted after hourly assignments have been made. Due to an "unfortunate consequence of ill-conceived processes and a lack of clarity and foresight," this College-wide restriction has, in some

cases, undermined seniority and caused some long-time adjunct faculty members to unfairly bear the burden of reduced loads. Warren Ruud noted that AFA had expressed concern to the District about the process used in reducing the Spring 2009 schedule. He said that he was told, this time, that the restricted courses were to be chosen before Fall 2009 assignments were made, that he was not aware that further restrictions were occurring after the formation of the Fall 2009 schedule, and that he would look into the matter. Michael Kaufmann suggested that the more transparent and uniform every department's Article 16 Hourly Assignment Procedures are, the less likely that these unfortunate situations will occur. Tying this concern to the member concern raised earlier in the meeting, he said that adjunct faculty members should not have to look up other instructors' loads in order to find out whether they have been treated fairly or not.

MINUTES

The minutes from the March 18, 2009 Special Executive Council meeting were accepted as amended with the following correction: two abstentions will be noted under Action Item #1, at the request of the Council members. The minutes from the March 22, 2009 Executive Council retreat and the minutes from the March 25, 2009 Executive Council meeting were accepted as submitted.

ACTION ITEMS

1. Appointment of Regular Faculty Councilor Replacement Due to Mid-term Resignation. Warren Ruud reported that, following the mid-term resignation of Joyce Johnson, regular faculty representative from Behavioral Sciences, AFA sent out a College-wide notice soliciting interest in the vacant seat. Two candidates (Julie Thompson, English, and Breck Withers, Business Administration) responded by the deadline and submitted statements. Warren explained the procedure for the appointment as outlined in the AFA Bylaws, which requires a motion to appoint a particular candidate, a second, and approval by two-thirds vote of the Council. Following review of the statements, a lengthy discussion ensued regarding the skills, perspectives, backgrounds, experience, and qualifications that each candidate would bring to the position. Following a motion made by Mike Meese and seconded by Greg Sheldon, the Council voted unanimously by a show of hands to approve the appointment of Julie Thompson to serve as a regular faculty representative on the Council, replacing Joyce Johnson and filling out the remainder of that term, which will expire mid-August 2010 (15 in favor, 0 opposed).
2. Appointment of Additional Councilors to Article 16 Committee. Warren Ruud informed the Council that Lara Branen-Ahumada, Lynn Harenberg-Miller, and Dianne Davis (Councilor-elect) had expressed interest at the March 22 retreat in joining the AFA Standing Committee for Article 16. Following a motion made by Paula Burks and seconded by Alix Alixopulos, the Council unanimously voted to appoint these three faculty members to serve on the Article 16 Committee (15 in favor, 0 opposed).
3. Augmentation of AFA College Service and Technology Training Fund (ACSTT) Budget. Referencing a discussion held during a closed session Negotiations Report at a prior Council meeting, Warren Ruud requested that the Council consider approving the possible augmentation of the Adjunct Faculty District Activities Fund (AFDAF) budget to cover work performed by adjunct faculty members for the District Tenure Review & Evaluations Committee (DTREC). Warren noted that Dr. Agrella has agreed that the District will contribute approximately \$1,000 to support this work. Following a motion made by Cheryl Dunn and seconded by Lara Branen-Ahumada, the Council unanimously voted to approve the addition of \$1,000, based upon need, to the ACSTT budget to cover work related to the automation of evaluation forms and the creation of a database to track evaluations (15 in favor, 0 opposed).
4. Approval of Five Attendees to CCCI Conference. Following discussion during the President's Report, and a motion made by Greg Sheldon and seconded by René Lo Pilato, the Council voted unanimously to approve sending one additional Councilor (five in total) to the Spring 2009 CCCI Conference (16 in favor, 0 opposed).

5. AFA Policy — Confidentiality. Following discussion (see Discussion Item #1), and a motion made by Mike Meese and seconded by Greg Sheldon, the Council voted unanimously to approve the AFA Policy — Confidentiality as written (16 in favor, 0 opposed).

MAIN REPORTS

1. President's Report. Warren Ruud gave a brief report about the following items:
 - College Council. College Council members discussed the District's wait list policy at the last meeting. Warren will send a copy of the policy to the Council for their review. He noted that the District and AFA have a common interest in enrollment management and that AFA serves in an advisory role to the District on the matter.
 - District's No-Smoking Policy. The District is starting to take a more active role in managing the smoking problem on campus. They have established a protocol that includes citations, followed by other progressive consequences. In the future, AFA may need to concern itself with what happens when and if faculty members are cited.
 - CCCI Spring 2009 Conference. The California Community College Independents Conference is scheduled for May 8 and 9. Warren and Janet plan to attend. According to the AFA Professional Conference Policy, AFA sends four faculty members to the conference. The President and the Chief Negotiator have first priority, and, after that, Officers and adjunct faculty are next in line, followed by Councilors, on a rotating basis. The Officers had a particular interest in offering the opportunity to attend this year's CCCI Conference to the newest members of the Council. Of the newer Councilors, three have expressed interest and are available: Lynn Harenberg-Miller (adjunct), Mike Meese, and Audrey Spall. Since there will be five people attending, the Conference Policy requires, and Warren requested, Council approval to send one additional person. Following a motion made by Greg Sheldon, and seconded by René Lo Pilato, the Council unanimously voted to move this item to an action item at this meeting (16 in favor, 0 opposed).
2. Vice President for Santa Rosa Report. René Lo Pilato reported that, to date, 16 of the 30 faculty members in Years 1 and 2 of the probationary process have RSVP'd to say they'll be attending the New Faculty Event, which will be held on Friday, April 17. Warren Ruud, Janet McCulloch, and Ann Herbst will also attend. Faculty members will receive two hours of Flex credit. René, Cheryl Dunn, and Candy Shell will be making phone calls to confirm the attendance of those who haven't responded yet.

René then deferred the remainder of her time to Paula Burks, Chair of the Faculty Recognition Committee, who announced that committee's recent decision that Lara Branen-Ahumada will be receiving the award for "Curriculum Development" and Janet McCulloch will be receiving the award for "Professional Achievement." Paula invited Council members to attend the awards ceremony, which will be held on Thursday, May 7, from 2:45 pm to 4:30 p.m., in the Art Gallery on the first floor of the Doyle Library.
3. Vice President for Petaluma Report. Cheryl Dunn reported that the District, which is engaged in the process of hiring a new dean for the Petaluma Campus, would like to include faculty on the hiring committee; however, the committee is scheduled to meet during the middle and latter part of June, when many faculty members have already made other commitments. Jane Saldaña-Talley, Vice President and Executive Dean of the Petaluma Campus, sent out a memo saying that she recognizes the scheduling conflict; however, if the District were to postpone the process until later on in the year, it would cause other problems. Cheryl noted that the possibility of a major hire happening without faculty participation is of grave concern to faculty in Petaluma. It was suggested that the District hire someone on an interim basis to fill the position.
4. Conciliation/Grievance Report. This report and subsequent discussion were conducted in closed session.
5. Negotiations Report. This report and subsequent discussion were conducted in closed session.

DISCUSSION ITEMS

1. AFA Policies.

- **Confidentiality Policy.** Warren Ruud reviewed the changes that were made in response to Council suggestions at the March 25 Council meeting to items #2 through #4 under the *Process* section in the current draft of the policy. The changes in that section increase protections for the parties involved and safeguards for the process. In response to a suggestion to add a timeframe to item #3 to allow sufficient time for the collection and presentation of evidence to occur, several officers clarified that they didn't believe that was necessary, as there was no stated requirement in the policy that everything needs to happen at one meeting. It was also clarified that the purpose of the *Confidential Information Defined* section was to describe the nature of confidential information, when and where it might happen to arise in conversation, and to identify the people who might be having conversations that would include confidential information. The *Confidentiality Requirements* section specifies how confidential information should be treated. Following a motion made by Mike Meese, and seconded by Greg Sheldon, the Council unanimously voted to move this item to an action item at this meeting (16 in favor, 0 opposed).
- **Reassigned Time Policy.** The Council reviewed the reassigned time policy as proposed by the officers. The policy defines 10% reassigned time as being equivalent to 3.5 hours per week, or 62 hours per semester. Those figures are based on the principle that 100% reassigned time is equivalent to 35 hours per week (the student contact portion of a regular faculty member's job) and assumes that regular faculty members receiving AFA reassigned time are still responsible for five hours per week of College Service and Professional Service & Development. AFA reassigned time is not designed to compensate an individual for every hour worked — it is more like a salary than an hourly wage, meaning that in some weeks individuals will work more hours and in other weeks they will work fewer hours. The limit to the amount of reassigned time that an AFA officer or negotiator may receive is 80% — any more than that would mean that the individual would no longer be teaching. Warren requested that Council members review the proposed policy further on their own time and that they come prepared to discuss it at the next meeting.

Warren went on to inform the Council that the District has raised a concern regarding AFA's payment of stipends to AFA officers and negotiators. He explained that the District provides 1.2 FTE in reassigned time, and then AFA purchases any amount needed above the 1.2 FTE. AFA has historically honored the request of individual officers and negotiators to receive a stipend when they have expressed a preference to be paid that way for a variety of personal reasons. When the District pays an individual as an employee through reassigned time, the District generates a W-2. When AFA pays an individual through a stipend, AFA generates a 1099. The IRS has recently been scrutinizing how ancillary organizations to community colleges (such as the Bookstore, the Foundation, and AFA — which would not exist but for the District) are compensating their employees. The IRS makes a distinction between employees and independent contractors — the difference has to do with the nature of the work — and there is 157-page manual that addresses this distinction. When two people are performing the same kind of work, the IRS does not allow one to be paid as an employee and the other to be paid as an independent contractor. Due to actions taken by the IRS (levying heavy fines, for example) against some community colleges (including Cerritos College), Business Services has requested that AFA discontinue the practice of paying stipends to officers and negotiators during the academic year. Warren said that he is pursuing confirmation of what happened to Cerritos College and, towards that end, is drafting an email to send out to CCCI member organizations and also to AFA's legal counsel.

2. **2010-11 Academic Calendar.** Janet McCulloch requested that Council members review the four different options for the 2010-11 academic calendar, and that they send her any feedback they might wish to offer. She presented the four options to the Academic Senate at their meeting on April 1, and will be presenting the options next to SEIU and the Classified Senate.

The meeting was adjourned at 5:18 p.m.

Minutes submitted by Judith Bernstein.