

**ALL FACULTY ASSOCIATION  
SANTA ROSA JUNIOR COLLEGE  
EXECUTIVE COUNCIL MEETING MINUTES**

April 28, 2010

*(Approved by Executive Council on May 12, 2010)*

Executive Council members present (noted by \*):

*Ann Herbst, <i>presiding</i>	*Dianne Davis	*Michael Kaufmann	Andrea Proehl
*Alix Alixopulos	*Cheryl Dunn	*Reneé Lo Pilato	*Audrey Spall
*Lara Branen-Ahumada	*Brenda Flyswithhawks	*Michael Ludder	Mike Starkey
*Paula Burks	*Karen Frindell	*Sean Martin	*Julie Thompson
*John Daly	*Lynn Harenberg-Miller	*Dan Munton	

Officers/Negotiators present: Ted Crowell, Janet McCulloch  
Councilor-elect present: Jack Wegman (2010-12)  
Other faculty present: Approximately 60 faculty members  
Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:00 p.m. in Room #4245 in the Doyle Library on the Santa Rosa campus and was video-conferenced to Doyle Library, Room #4248, and Mahoney Library, Room #726, on the Petaluma campus.

**MEMBER CONCERNS**

Ann Herbst set forth the ground rules for the meeting. In accordance with AFA policy, each meeting begins with member concerns, limited to five minutes per concern. Ann said that some of the committee reports listed later on in the agenda might not be presented. She noted that faculty had expressed their concerns regarding the proposed constitutional amendments for over an hour and ten minutes at the AFA Council meeting one month ago and for an hour at the AFA Council meeting two weeks ago. She informed the faculty members in the audience that, if their concern had to do with the amendments, it would be considered one concern and they would have five minutes in total to address the Council. As many faculty members who could speak to the topic in five minutes would be allowed to do so. Ann also said that, if faculty members had other concerns that they wished AFA to be aware of, they were more than welcome to express those concerns, again limited to five minutes per concern (topic). She noted that many faculty members had participated in the online discussion regarding the proposed constitutional amendments and expressed appreciation to those who took the time and trouble to put their thoughts into writing and send them out for others to read and consider. She reminded everyone of the need to be respectful participants and observers, and requested that people make no audible responses (e.g., applause, booing, or other remarks). Ann wrote down the names of those who raised their hands to speak.

1. Rationale for 2008 Amendment to AFA Constitution. Terry Ehret, English Department, expressed a concern regarding the 2008 amendment to the AFA Constitution, which increased the total number of seats on the Council while maintaining the 2:1 ratio of regular faculty representatives to adjunct faculty representatives. Terry stated that the rationale presented with the 2008 ballot, which she read out loud, contained inaccuracies and misleading implications. She cited two items: (1) the fact that the AFA Council started out 20 years ago with a total of 15 seats (as opposed to 16 seats) was not mentioned; and (2) the ballot stated that the 2:1 ratio of seats would not change, and she said that she could find no documents prior to the ballot that supported that claim. Terry requested that the Council (1) issue a correction to the 2008 rationale

regarding the number of Council seats; (2) explain the reason why AFA replaced the rationale in the 1996 amendment to the Constitution, which based the composition of the Council on the percentage of classes taught, with a rationale based on a fixed 2:1 ratio; and (3) bring this issue to a vote of the general membership.

2. Proposed 4.14.10 Constitutional Amendments. Margaret Pennington, Social Sciences, raised a point of order, stating that it was the intent of the petitioners that each of the four amendments be considered separately. She said that the petitioners considered equal representation for full-time and part-time faculty to be the most important of the four amendments. Ann responded that this message had already been communicated to AFA and that the Council had planned to have one discussion but would take separate votes on each of the four amendments. Subsequently, seven faculty members addressed the Council with their support for putting the amendments to the membership for a vote. In alphabetical order, the speakers were: Jo Caulk, Consumer & Family Studies; Carol Ciavonne, English; Linda Hemenway, Computer Studies; Dave Henderson, Modern & Classical Languages; Ellen Licht, English as a Second Language; Steve Rabinowitsch, Social Sciences; and John Tully, English as a Second Language. When stating their names and departments, most of the speakers said that they had been teaching at SRJC for 20 years or more.

### **DISCUSSION ITEMS**

1. Discussion and Action\* re: 4/14/10 Proposed Amendments to AFA Constitution. (\*See Action Item #1 under Action Items: Part I and Action Item #1 under Action Items: Part II.) Ann Herbst directed everyone's attention to the screen behind her, on which the page that contained all four of the proposed constitutional changes was projected. She also pointed out that the document has been posted on the AFA Website ([http://www.santarosa.edu/afa/Misc/ConstitutionNew\\_4.14.10.pdf](http://www.santarosa.edu/afa/Misc/ConstitutionNew_4.14.10.pdf)). She reviewed the four proposed amendments and reiterated that there would be one discussion followed by four separate votes. There was brief discussion about whether to consider as one issue two distinct points in the proposed changes to Article IV, Section 2: (1) clarifying the role that Councilors serve in terms of representing their own constituency or all faculty; and (2) equalizing the number of Council representatives. Following Ann's statement that the two issues would be considered as one amendment and confirmation by a Councilor that this interpretation was consistent with the petitioners' intent, the Council engaged in a lengthy discussion. Each Councilor stated his or her name and department. Some mentioned the number of years they had been at SRJC as adjunct and/or regular faculty. Comments included the following:
  - I've spent a great deal of time going through my email and making notes. I've received 100 individual comments from faculty members— via email and personal contacts — and 97 out of 100 urged me to vote no. That's what I've been directed to do.
  - It's important to understand what the people who are emailing are saying, which is that they're personally opposed and also that they don't want the general membership to vote. As a Councilor, you may want to vote no and as a member you may want to vote no; but, as a Councilor, you can also vote to let the membership decide.
  - It's also important to understand how the organization functions. All kinds of proposals can come to this body. As a Council member, each of us has a charge of looking at each proposal, considering history, listening to the membership, and considering our understanding of the college and how this body works. Each of us needs to make a determination as to whether this goes to the membership. I'm uncomfortable with the idea that that the charge each of us has would be made mute by a clamorous voice of the membership, regardless of where the voices are coming from. We have a role in determining whether the issue goes to the membership.

- These issues first came to the Council in Petaluma on March 24. Dozens of people came to the general meeting presenting a list of grievances that apparently had been worked on and planned. It was presented to us without our knowledge. We need to take responsibility for how we got here. With respect to Article IV, Section 2, I've received over 150 emails from part-time and full-time, and I've talked to dozens privately. My concern is about the possible ramifications of Article IV Section 2 and what it would do to the union in terms of its bargaining positions.
- I've spent hours going through every single email that I've received from individuals. There were 82 individuals who signed the petition that was presented to us on March 24 in Petaluma at one of regular AFA meetings. My own tally is that 118 individuals have asked me to vote yes and I've received 189 emails asking me to please vote no. Thirteen people spoke to me face to face or sent me a handwritten note to say no – that total is 203 saying to vote no. I'm here to try to cast my vote to represent the people who are faculty and my constituents. I feel it is my role to do my homework and look at the proposal, so I can make an equitable, conscientious, and informed decision.
- My interpretation of what a Council vote means in a case like this is that we are sending forward a recommendation. It's not as some have interpreted that we're required to send it forward by virtue of the fact that it was proposed. We need to look at the integrity of the proposal, what the proposal suggests, and whether it is something that could be implemented. We need to consider all kinds of criteria. One of the issues that the proposal brings up for me is that, if we're adding adjunct Council positions, there has to be a way to pay for them. If we're not adding Council positions to get to 50/50, are we ousting regular faculty Councilors? Section 2 without Section 1 doesn't talk about numbers whatsoever, and I'm not sure how to make sense of that practically. The established AFA process is that, when we vote to send something forth, it's our recommendation.
- This is a rather simple value or principle that's being presented. It's not that complicated — equal representation for both full-time and part-time on this Council. The proposal says 26 Councilors because we wanted to have all the full-timers sitting now still sitting in their seats if this proposal goes forward. We're not taking away full-timers, we're adding adjunct to give 50/50. I've been emailed to death. This group that brought this proposal to the Council did everything according to the rules and regulations in the Bylaws. They did everything right, gave it in time, and that's why we're here, to decide if this value is going to work. Are you going to allow the members to decide if this value is the one we want in this association? That's what the Council needs to vote on. You need to trust your members.
- I really like the way this has happened in some ways. There didn't seem to be a reason given for the 2:1 ratio last year and I didn't think to ask, why is it 2:1? As it turns out, there isn't a good answer, but I don't see that 50/50 is well justified, either. There's also a lecture/lab disparity and there's no reason for them not to come forward with their own proposal. Perhaps we should have 50/50 lab/lecture or credit/noncredit representation. I would like to have these questions answered first. What is the guiding principle? Is it the number of people in each group and the percent of load that each group works? It's hard to know what would constitute equal representation. I would prefer to have data. Sometimes data is difficult to get. Does it change quickly or slowly? We can't look at one semester as a baseline. We have to look at long-term averages. If it changes slowly, how often are we going to recalibrate? If we go with 50/50, how often do we need to recalibrate? We need a process so that we can evaluate regularly. This historical idea isn't such a great idea. We've changed a lot in ten years. I would like to see a more complete proposal, with a rationale that

encompasses more than just this. I propose that we have people get together with a timeline, maybe October or September. I understand that people want this to be dealt with right away, especially those who took a big salary hit. I like that it was pointed out to AFA that we have failed to explain our decisions. We need to do a better job of communicating. I would urge us to be more patient and look into several proposals and come back with several ideas to choose among, rather than this one — yes or no — and then next semester have another group bring another proposal forward.

- Whatever happens to be the end result today, this proposal accomplished something important. It alerts us that we need a coherent rationale for the composition of the Council and a clear process for people to address their grievances, so that it can be done in such a way to avoid the alarm that some Councilors have expressed about how they came to learn about the proposal. Most importantly, it addresses the idea that in order to be effective and responsive and a good negotiations unit, we need the confidence of the membership and we need trust that's reciprocal. I disagree with the view that this is not a complicated matter. I've read the myriad emails and listened to every person who spoke and, in fact, there are a great number of issues that need to be juggled. This is not an uncomplicated matter. I also believe that all of my colleagues with graduate degrees are intelligent enough to work through this. Regardless of how my fellow Councilors vote, I want to reject the notion that voting 'no' implies an opposition to adjunct equality. I might have a different vote than some, but it doesn't necessarily mean that I disapprove.
- Many things that were mentioned earlier have to do with negotiations between AFA and the District. It's not unilaterally within our power to change those things. What we're dealing with here are things that we can change in this room. The amendment to Section 2 of Article IV is the bottom line — how the equality is implemented can follow the vote for equality. If the principle is accepted, that's the most important part — 50/50 representation is the most important. All of these amendments are stand-alone — how many representatives, the terms, how the officers are split. The bottom line issue is the issue of equality.
- One of the concerns that have been expressed to me in person and through email has to do with the distinction between equality on the one hand and what we might call checks and balances. I really understand that the adjunct faculty has taken a hit over the last couple of years, and yet a significant part of that hit had to do with the enhancement funds. The entire general membership voted for that hit as a possibility when they voted to use the enhancement funds. That could not have passed without significant support from all of the adjunct faculty. Now we're in a position where things have gotten ugly in terms of our budget and people are suffering. The response, rather than having people say, "I voted for this, I benefited for nine years," is that it's seen as unacceptable and somehow the Council hasn't done its job in representing adjunct faculty. The proposed solution is simply to have equal representation; but then we have a membership with fewer than half that number of contract voters. The 2:1 ratio on the Council helps to counter that. Proposals could not pass if adjunct faculty didn't support them.
- The vote on the enhancement funds was part of a tentative agreement — you vote for everything or nothing. Contracts have been overwhelmingly approved. The real issue I have is that the discussions here or the decisions made here and the discussions there don't carry equal weight. We have a large membership. This proposal gives full-timers equal shot at convincing everybody else, and it gives part-timers the same thing. It makes a level playing field. These issues over the last year are symptomatic of a structural problem.

At this point in the discussion, Michael Ludder called for the question to end debate and to vote on the amendments. Michael Kaufmann seconded the motion. The Council voted by a show of hands and the motion was defeated (2 in favor, 14 opposed). The discussion continued.

- There's an interesting question and dichotomy here. We may be confusing the difference between equality and fairness. You could make an argument that 13/13 is actually an equal distribution of seats, but may not represent a fair distribution of seats. You could not have 13/13 and have a fair distribution of seats, based on another system. Do we do the same amount of work? That's always a sticking point and a nut that we have tried to crack. There is something called shared governance that the State of California has mandated on to us. Regular faculty are obligated to do that work — it's not better or worse, but we're obligated. If we go to 50/50, some regular faculty will say it's equal but it's not fair, because it doesn't capture what regular faculty are obligated to do and adjunct don't have to do. It's true that regular faculty are paid for it, but shared governance commands us to do the work. Regular faculty argue that 50/50 would miss that obligation. If I were a voting member of AFA, I would say 13/6 is not fair. I think 11/8 would be more reasonable, because I do think that the other understates what the adjunct do here. The current ratio is unfair. 13/13 is equal, but also unfair.
- I also took a tally and, of the 98 people who contacted me, altogether seven said yes. I see the roles of full-time and part-time as quite different outside of the classroom. I was adjunct for eight years and can put myself in those shoes. I worked very hard to give a lot of attention to my job, the department and the college. I served on various committees and, for those adjuncts who do that kind of work, I'm grateful and appreciate working with them. Once I became full-time, the magnitude and scope of the job became apparent. It's an extremely different kind of job. I understand the concept of 50/50 on the outside as a theory, but it's not just about the number of people, it's about the distribution of work. I support a proposal to explore a more rational basis for looking at the composition of Council and to take more time with this. This has been too short of a process to do something this major. I hope that we can find a way to explore this at a later date and bring it back.
- I've reviewed the list of grievances and also had a conversation about them with an adjunct colleague. I was also taken by surprise by the way this proposal was presented. There was no attempt to interact with regular faculty and say, this is something we perceive, is there a way that we can work on this together? I participated in the Council retreat last month, and I saw very clearly that the adjunct and regular faculty are absolutely able to work together on issues that others might think would divide us. It's a testament to the way people can come together and find agreement, and how committed the regular faculty are to working with adjunct. The purpose of the retreat was to work on Article 16. My opinion, based on the group I worked in, is that we had much more agreement than disagreement as to how the article could be rewritten to address everyone's needs. I feel we could have had the same result with this as well, but haven't had the time or opportunity. I take issue with the suggestion in one of the grievances that AFA allowed 143 FTE courses to be cut. I was at a Department Chair Council meeting when the chairs were instructed to cut 20% — there was no "allowing" going on there. The District was focused on the 20,436 cap. The chairs in that room sat and struggled and it was very unpleasant. The default was that the adjuncts were cut. There was nothing that AFA could have impacted — the District was on a mission. Also, I have a problem with the claim that AFA supported the 7.3% pay cuts, when we all know they were categorical funds. And in terms of summer, everyone is affected by the pay cuts in the summer — not just adjunct. This colors a lot of the proposal that this is what it was predicated on.

- I've struggled myself with the proposal that is before us on many levels, with how I feel about it, and how to represent my constituents, serve the Council, listen to everyone, and find a way to serve all faculty. I agree with some of comments that have been made. In particular, to try to make a decision today on a proposal that I feel is not quite sufficient enough to take a vote on it — I would prefer to table the decision. I would like to recommend that we consider putting together a working task force of Council members – adjunct and regular — who could come back with a proposal in the fall. It might be one that would bring more clarity. I hear the clarity in the points that were made and compassion, but I'm wondering if there are not other ways of making this decision together. I would like to see us not fight amongst ourselves. I don't care whether it's classified against faculty or adjunct against regular. It doesn't matter what our status is – some decisions are out of our hands. AFA couldn't negotiate, because the decision was already made. I would like to see us come together.
- When the categorical funds were cut, the adjunct representatives brought to this body a signed letter saying, let's try to find a different way, let's put our collective minds around this. Other colleges took votes and their full-timers took on some of the cuts. Yes, the District had every right to take back money; but not every college took that route. It's not for lack of having tried. There have been a number of voices that have said that this isn't working. I've felt a big responsibility not only to the faculty who are here, but also to the faculty who are gone.

Michael Ludder then called for the question to end the debate and take a vote. Michael Kaufmann seconded the motion and the Council approved the motion by a show of hands (14 in favor, 3 opposed). (See Action Item #1 under Action Items: Part I.)

2. Discussion re: 4/14/10 Proposed Amendments to AFA Bylaws. Due to time constraints, the Council did not discuss this item.

#### **ACTION ITEMS: PART I**

1. Action re: 4/14/10 Proposed Amendments to AFA Constitution. Following the discussion (see Discussion Item #1), Dianne Davis made a motion, which was seconded by Reneé Lo Pilato, to conduct the voting on the four proposed constitutional amendments by paper ballot. As a point of order, a faculty member from the audience called for a division of votes; however, no Councilor made or seconded such a motion. Subsequently, the Council voted by a show of hands to approve the motion to conduct the voting by paper ballot (10 in favor, 5 opposed). Ann Herbst clarified that the motions for each of the four ballots would be the same: Shall the Council submit the proposed amendment to the membership for a vote? Four paper ballots in different colors were distributed to and collected from each Councilor after each vote, one issue and one ballot at a time, in the following sequence:

- #1 Orange – Article IV, Section 1: Increase the number of Councilors from 25 to 26
- #2 Yellow – Article IV, Section 2: Equal number of part-time and full-time representatives
- #3 Green – Article IV, Section 4: Establish two-year terms, except when changing the number of Council representatives
- #4 Blue – Article V, Section 1: Make changes to officer positions

The three tellers (Paula Burks, AFA Secretary/Treasurer; Ted Crowell, AFA Negotiator/Note-Taker; and Candy Shell, AFA staff) left the room to count the votes. (See Action Items: Part II.)

2. Action re: Proposed 2011-12 Academic Calendar. Council members received a copy of the proposed calendar for 2011-12 prior to the meeting for their review. It was clarified that the companion document dated October 2009 showing the total number of teaching days for each

semester was for informational purposes only. Following a motion made by Brenda Flyswithhawks, which was seconded by Sean Martin, the Council accepted the proposed 2011-12 Academic Calendar as submitted by unanimous voice vote.

### **MAIN REPORTS**

1. President's Report. Ann Herbst presented brief reports on the following two items.
  - Mission Statement. The Academic Senate and other groups approved the mission statement for the District. Subsequently, College Council approved it and it will be going forward to the Board of Trustees in May. The statement was emailed to the College community four months ago.
  - Hate Free Task Force. René Lo Pilato and Brenda Flyswithawks, AFA and Senate representatives respectively on the Hate Free Task Force, have reported that the task force has produced a draft document. Brenda distributed hard copies of the first draft of a policy, which is entitled "Principles of Community," and asked that Councilors read through it and send comments either to her or to René. Brenda recommended that those who are interested in understanding more about the policy go to the U.C. Davis Website, where they will find links and a glossary for all U.C. Davis policies and procedures. She said that the task force found that the U.C. Davis policy is one of the best and they want to use it as a model. The task force plans to develop procedures and a Website in the fall. The draft policy has not yet been released to any constituent groups, but it will be forwarded to the Senate on May 5, and will be posted on the Senate Website soon. Brenda asked that AFA staff post it on the AFA Website as well.

### **MINUTES**

There were no corrections or additions to the minutes from the April 14, 2010 General meeting and the April 14, 2010 Executive Council meeting, both of which were accepted as submitted. (Minutes are posted on the AFA Web site at: <http://www.santarosa.edu/afa/minutes.shtml> .)

### **ACTION ITEMS: PART II**

1. Action re: 4/14/10 Proposed Amendments to AFA Constitution. . Following the return of the tellers, Ann Herbst clarified that: (1) in order for an amendment to be submitted to the membership, a two-thirds vote of the Council would be required; (2) there are 19 members on the Council; and (3) thirteen votes in favor of forwarding the proposed amendments to the membership would be required. Ann then reported the tally of results, which was that none of the amendments received more than ten votes in favor. All motions were defeated, meaning that no amendments would be sent to the membership for a vote at that time. Following the announcement of the results, it was requested that the number of votes for each motion be recorded in the minutes. The vote count was as follows:
  - #1 Article IV, Section 1: 6 in favor, 10 opposed, 1 abstention
  - #2 Article IV, Section 2: 7 in favor, 10 opposed
  - #3 Article IV, Section 4: 10 in favor, 7 opposed
  - #4 Article V, Section 1: 3 in favor; 14 opposed

A faculty member in the audience then announced that, since the Council had voted down the proposed constitutional amendments, all faculty members were invited to meet next door in

Doyle Library Room #4246. Subsequently, the majority of faculty members in the audience and four Council members left the room.

The open session portion of the Council meeting in Doyle Library Room #4245 was adjourned at 4:35 p.m. The Council then moved to the Bertolini Senate Chambers for the remaining closed session reports.

### **RECONVENED MEETING OF THE EXECUTIVE COUNCIL**

Executive Council members present (noted by \*):

*Ann Herbst, <i>presiding</i>	*Dianne Davis	Michael Kaufmann	Andrea Proehl
*Alix Alixopulos	*Cheryl Dunn	*Reneé Lo Pilato	*Audrey Spall
*Lara Branen-Ahumada	*Brenda Flyswithhawks	Michael Ludder	*Mike Starkey
*Paula Burks	*Karen Frindell	*Sean Martin	*Julie Thompson
*John Daly	*Lynn Harenberg-Miller	*Dan Munton	

Officers/Negotiators present: Ted Crowell, Janet McCulloch

Staff present: Judith Bernstein, Candy Shell

This portion of the Council meeting was called to order at 4:45 p.m. in the Senate Chambers in the Bertolini Building on the Santa Rosa campus.

### **MAIN REPORTS**

1. Negotiations Report. Prior to moving to closed session, Ann Herbst recommended that those Councilors who were not present for this report be told to contact herself or Chief Negotiating Officer Janet McCulloch to inform themselves about what they had missed. This report and subsequent discussion were then conducted in closed session.

The meeting was adjourned at 5:49 p.m.

Minutes submitted by Judith Bernstein.