

AFA EXECUTIVE COUNCIL MEETING MINUTES

April 27, 2011

(Approved by the Executive Council on May 11, 2011)

Executive Councilors present (noted by *):

*Warren Ruud, <i>presiding</i>	*John Daly	*Lynn Harenberg-Miller	*Eric Stadnik
*Alix Alixopoulos	Dianne Davis	*Reneé Lo Pilato	*Mike Starkey
*Paulette Bell	*Cheryl Dunn	*Sean Martin	*Julie Thompson
Lara Branen-Ahumada	*Brenda Flyswithhawks	*Dan Munton	*Jack Wegman
*Paula Burks	*Karen Frindell Teuscher	*Audrey Spall	

Officers/Negotiators present: Ann Herbst
Councilors-elect present: Mary Pierce
Faculty present: Karen Stanley
Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:03 p.m. in the Doyle Library, Room #4245, on the Santa Rosa campus.

MEMBER CONCERNS

1. Cuts to the Fall 2011 Schedule. On behalf of an adjunct colleague who did not receive an offer of an assignment for Fall 2011, Paulette Bell forwarded the following two questions: (1) How many part-time jobs will be cut to fund the dean position that was approved at the last Board of Trustees meeting? (2) What is AFA going to do to preserve part-time jobs if the District continues to fill new management positions? In answer to the first question, Warren Ruud replied that FTEF reductions are being determined by workload reductions set by the State, not by the District's spending; however, the amount the District spends will influence how much compensation there will be remaining per FTEF. Warren noted that AFA's 4/27/11 Email Update partially addressed the faculty member's second question, and he said that the Council would be talking about the issue in more detail during the negotiations report later on in the meeting.

MINUTES

Referring to the description of the member concern she raised at the April 13, 2011 meeting, Paulette Bell identified several items needing correction. Warren Ruud asked that she use the draft version of the minutes to edit her remarks and that she submit the revised version to AFA staff. The Council accepted the minutes from the April 13, 2011 Executive Council meeting as amended, subject to Paulette's submission. (Approved minutes are posted at www.santarosa.edu/afa/minutes.shtml .)

ACTION ITEMS

1. Proposed Changes to Constitution: Article IV. Councilors received a copy of the proposed changes prior to the meeting for their review. (The proposed changes are posted at

www.santarosa.edu/afa/ACCT/AFA_Constitutional_Change_Proposal_Starkey-Martin_04.11.pdf.) Sean Martin expressed his thanks to the sub-committee of Councilors who helped draft language that addressed concerns raised at the last Council meeting and clarified the ambiguity that had existed in the previous draft. Warren noted that forwarding the proposed changes to Article IV to the membership would require approval by two thirds of the Council (13 Councilors). A simple majority of AFA members voting would be needed to approve the changes. The Council would need to consider the proposed changes to Article IV and Article III in a separate vote. Warren noted that it would not be prudent to approve the proposed change to the Bylaws (see Discussion Item #1) until the membership approves the Constitutional change that necessitates that change to the Bylaws. Previously, the Council has also discussed the possibility of increasing the maximum dues rate. The Constitution imposes restraints in the form of specific timelines for proposed changes to the Constitution, whereas changes to the Bylaws only require Council approval and are not subject to the same time restraints.

An extensive discussion followed during which Councilors raised the following points:

- A number of contract faculty members are not happy about the proposed changes, which they believe are not in their best interests. The source of some of the frustration is that someone who teaches one unit a year can have the same vote as someone else for whom a full-time job at SRJC represents his or her entire professional life. They see a Council divided on the issue, and some perceive AFA as being "strong-armed" and buckling to pressure.
- There are a number of individuals in a variety of departments who disagree with the proposed changes and are concerned about what the outcome would be if those changes were to be implemented. It's important to remember, however, that Councilors would be voting as a Council to send the changes out to their constituents. Every member has a voice and can vote no, if s/he disagrees with the proposed changes.
- The Council would be making a decision to send the proposal to the membership, and would not necessarily be approving the changes. The Council could consider whether to express the motion as a recommendation that the membership approve the changes.
- Some faculty members feel the proposed changes do not go far enough.
- The context of the current climate in the District on a larger scale is influencing the reactions, responses, and concerns about these changes.
- Regardless of what motivates people to be concerned, there doesn't seem to be an historical basis that a change like this proposal would weaken regular faculty. Instead, the proposed changes would unify AFA as a faculty association. Regular and adjunct faculty members have common interests in the vast majority of cases. There are cases where their interests conflict, and then the Council has to come to agreement. The Council has engaged in a lengthy process that began long before the current decertification attempt, with the formation of an ad hoc committee that forwarded recommendations, which the Council spent a great deal of time discussing and considering. The current proposal doesn't go as far as the ACCT (see www.santarosa.edu/afa/ACCT.shtml) thought it should go, but it's a balanced proposal. Giving two more seats to adjunct faculty does not seriously impact the regular faculty's ability to define its interests.
- Although the concerns that regular faculty members have expressed may be legitimate and understandable, the Council has an obligation to provide a system that makes sense. It's not sufficient to say this proposal is not a good idea—what is necessary is to provide an alternative model. It is difficult to reconcile a system that requires 13 Councilors to vote to approve an item, when those 13 Councilors are regular faculty. By definition, there's a political lock, which means that those 13 Councilors are not required to listen to the minority viewpoint.

- The Council has come very far down the road in considering the various proposals. The whole process has been about compromise. What is everyone afraid will happen? What is the value to the rest of the faculty in staying with the status quo?
- Some of the fear is coming from tenured faculty who have been at SRJC for 15-30 years and have lost their programs and classes for the Fall 2011 semester. Adjunct faculty members have lost classes, too. Whether you're an adjunct faculty member or a regular faculty member, the current climate is affecting people's livelihoods. Whether the feelings make sense is irrelevant. We may not always agree, but we need to respect each other as colleagues. We are experiencing unprecedented times in this district.
- The job of Councilors is to understand the issues, separate the political context, look at facts and figures, and deliberate. As Councilors, we take our responsibility very seriously. Everyone's perception is their reality, but this council can be committed to reasonable discussions.
- It's important to remember that the negotiations team is made up of three regular faculty and three adjunct faculty. Everyone's point of view is being taken into account.

Following the discussion, and a vote by a show of hands, the Council unanimously approved a motion made by Dan Munton and seconded by Eric Stadnik to send the proposed changes to Article IV of the Constitution to the membership for a vote. A round of applause for Mike Starkey and Sean Martin, the primary authors of the proposal, followed the vote.

2. Proposed Changes to Constitution: Article III. Councilors received a copy of the proposed changes prior to the meeting for their review. Warren Ruud clarified that the Article III changes are to be considered as a separate item from the Article IV changes. He mentioned that he had originally submitted the Article III changes for Council consideration at the beginning of the spring semester. The changes include: (1) reversing the order of the two sections so as to make more sense; (2) creating a provision that allows the Council to set different rates for adjunct and contract faculty, with the proviso that the adjunct rate could not be set higher than the contract rate; and (3) cleaning up the language regarding the maximum rate. Warren noted that the membership has the responsibility to approve a maximum rate, while the Council sets the rates. Accompanying this proposal could be a separate proposal for the membership to set the maximum rate. These two items are independent from each other. For example, the Council could set a new maximum rate under the old rules, or maintain the old maximum rate under the new rules. The current dues rate applicable to both adjunct and regular faculty is 0.55 percent of gross earnings, and 0.55 percent is also the current maximum. Warren noted that these rates are among the lowest in the State. (Affiliated unions typically charge around 1.3 – 1.4 percent, with some rates as high as 1.7 percent.) AFA's low rates provide the Council with a certain degree of flexibility should Councilors decide to address the organization's structural budget problem. In previous discussions, the Council has considered the possibility of asking the membership to increase the maximum dues rate to 0.75 percent, and then setting the regular faculty rate at 0.75 percent (an increase equivalent to 20¢ for every \$100 of gross earnings) and lowering the adjunct faculty rate to 0.50 percent. Warren said that differential rates are common throughout the State. (Many BFA member organizations have split rates.) The Council would have the ability to reduce the dues rate when the District expands the schedule back to pre-budget crisis levels. Warren noted that part of AFA's structural budget problem is directly related to the reduction in revenue resulting from the cuts in the schedule of classes and the increase in expenditures caused by those same cuts.

The Council engaged in a lengthy discussion and offered the following comments:

- What assumptions are Councilors making to justify setting differential rates? We need some evidence—called "means testing"—that there's some income disparity. We're making a comment and implying something about income distributions of adjunct faculty based solely on the term "adjunct faculty." People are paying a flat percentage of their

income, not the same amount in dollars. If we're arguing for equal treatment, the dues rates ought to be the same. Parity should trump mitigating circumstances. I would prefer that the last sentence of the first paragraph be deleted.

- Some of the dues revenue goes towards paying for negotiator reassigned time. One could ask whether AFA provides service equally to all members. In many years, the team spends a great deal of time talking about sabbaticals or retirement issues that only apply to regular faculty.
- Setting a differential rate is a slippery slope, and it undermines adjunct credibility to be given a different rate. The rates should be proportional. Adjunct faculty members deserve to get the same service that regular faculty get. The Council should remove as many external differences between the two faculty groups as possible.
- The idea of differential rates first came up in response to faculty comments about the disproportionate nature of the salary cuts.
- Whether we are adjunct or regular faculty, we are paying a proportion of our wages. The less you make, the smaller the amount you pay. I could live with the sentence because of the word "may," but I prefer to eliminate it.
- AFA has reserves; however, if we continue to spend money that we're not taking in, we will have to look seriously at increasing dues, regardless of whether the increase is across the board or at different levels. Responding to the decertification effort is costing AFA.
- In a progressive system of taxation, the more one pays, the greater one benefits from the system. If I own more goods, I benefit more from police protection. If I'm taxed at a higher percentage of my income, it doesn't diminish the citizenry of someone else who is paying a lower percentage. Equality is not a purely quantifiable notion. If a greater number of services that AFA focuses on benefit full-time faculty to a degree that, in the collective wisdom of the Council, justifies a variable rate, I don't see that as a problem.
- It cannot be demonstrated that full-time faculty members receive a disproportionate amount of service. The Council has worked hard to make certain of that. (For example, salary schedules are linked.)

At the conclusion of the discussion, Councilors made no motions and took no action.

3. Allocation of Reassigned Time for Officers, Negotiators, and Other Positions. Following discussion (see Discussion item #2), by a show of hands, the Council approved a motion made by Sean Martin and seconded by Cheryl Dunn to approve the allocation of reassigned time for Fall 2011 as proposed (15 in favor, 1 opposed).

PRESENTATION

In advance of the Faculty Recognition Awards ceremony, which will be held on May 5th, Vice President for Santa Rosa Dan Munton acknowledged the fact that Warren Ruud was nominated for and will receive the "Unsung Hero Award." Dan noted that Warren has provided more than 30 years of service to the District as a faculty member and has an excellent reputation with students. Warren has also served as a department chair and as an interim dean for Science, Technology, Engineering, and Mathematics. Dan said that Warren has served AFA as a strong and courageous leader, remaining a voice of calm and rationality during challenging times. Following Dan's introduction, Reneé Lo Pilato presented Warren with a gift from the Council and wished him continued strength and courage in the days ahead. The Council honored Warren with a standing ovation.

DISCUSSION ITEMS

1. Proposed Changes to Bylaws: Article II. Councilors received a copy of the proposal prior to the meeting for their review. (The proposed changes to the Bylaws are posted at www.santarosa.edu/afa/ACCT.shtml .) Warren noted that the Council did not need to take

immediate action on this item. If the AFA membership approves the proposed changes to Article IV of the Constitution, then the elections for Councilor seats would need to be reorganized in order to accommodate the addition of two adjunct Council seats and the elimination of two regular faculty seats, and the Bylaws would need to be modified accordingly to reflect those changes. Mike Starkey and Sean Martin submitted the initial version of the proposed changes to the Bylaws, and Warren modified their version slightly in order to accomplish the transition from the current configuration of the Council (13 regular/6 adjunct) to the proposed configuration (11 regular/8 adjunct) in one election cycle, instead of two. Warren reviewed a spreadsheet that he prepared, which outlined the order in which regular and adjunct Council seats would be up for election, according to whether the terms begin in odd- or even-numbered years. Currently, the Bylaws provide for elections of seven regular and three adjunct Councilors in even-numbered years, and six regular and three adjunct Councilors in odd-numbered years. This proposal would modify that election schedule to include five regular and four adjunct Councilor seats in both even-numbered and odd-numbered years. Warren reiterated that the challenge is to accomplish the transition between the existing Constitution and a new Constitution while remaining in compliance with the Bylaws. The AFA Bylaws stipulate that elections are for two-year terms. The proposed Constitutional changes would create two new adjunct Councilor seats. The current Constitution considers a seat to be vacant, if no one is sitting in it. Since the Bylaws allow the Council to make appointments to vacant seats, there is a way to add the two adjunct seats at the same time by holding elections in Spring 2012 for the four, even-numbered-year seats and having the Council appoint a fifth adjunct Councilor to an odd-numbered-year seat for a one-year term, thereby bringing the total number of adjunct seats to eight. (That one-year term adjunct Councilor seat would then come up for election to a two-year term, along with three other adjunct Councilor seats, in Spring 2013.) Warren mentioned that several regular Councilors whose seats will be up for election in Spring 2012 have already indicated that they would not be running for re-election; therefore, the reduction of two regular Councilor seats would not cause any regular incumbent Councilors to be forced out of their seats before the end of their terms. Warren asked that the Council consider this proposal, which would be scheduled for action in the event that the AFA membership approves the proposed Constitutional changes. Mike Starkey expressed appreciation of Warren's modification, as it accomplishes the transition between the old and new versions of the Constitution within one election cycle, rather than two.

2. Allocation of Reassigned Time for Officers, Negotiators, and Other Positions. Councilors received a copy of the Cabinet's recommendation for the Fall 2011 semester prior to the meeting for their review. Warren pointed out that the recommendation includes a new category entitled "Negotiations Ongoing Project Support, which incorporates work performed by lead individuals on various projects such as the Compressed Calendar and Article 16. He noted that the Council would have another opportunity to review the specific reassigned time for each project prior to it being allocated. In addition, Warren pointed out that, since the workload for the AFA president is heaviest in the spring semester, he will be moving the majority of his instructional load into the fall semester, which will allow him to balance his reassigned time more appropriately (more in the spring, less in the fall). A question was raised as to why the percentage of reassigned time for the Adjunct Faculty Cabinet Representative is different than the reassigned time for the two vice presidents. Warren responded that, as part of their responsibilities, vice presidents take on special projects. (For example, Dan Munton will continue to serve as the chair of the Article 16 Committee and, in her new position as Vice President for Santa Rosa, Mary Pierce will continue as the chair of the Compressed Calendar Negotiations Task Force.) Continuity in task force/committee leadership is needed, since neither of these projects will be completed within one year. The percentage of reassigned time is based on workload. The Adjunct Faculty Cabinet Representative prepares for and attends 1.5 hours of Cabinet meetings each week, which is roughly equivalent to 5 percent. In response to a concern that the lower percentage of reassigned time could have the potential to undermine the legitimacy of the adjunct cabinet position, Warren pointed out that the amount of reassigned time is not based on rank. For

example, the Bay Faculty Association representative also receives 5 percent reassigned time and is also invited to attend Cabinet meetings. He added that, should the job of the Adjunct Faculty Cabinet Representative be expanded with additional duties, the amount of reassigned time could be increased. Warren also commented that everyone who is receiving reassigned time is putting in more time than they're getting compensated for. Following the discussion, the Council approved a motion made by Cheryl Dunn and seconded by Reneé Lo Pilato to move this item to action. (See Action Item #3.)

3. CCCI Lobbyist Position. Warren noted that this item was informational only, and it was not necessary for the Council to take any immediate action. He explained that the idea of CCCI employing a half-time advocate to represent the interests of CCCI member organizations in Sacramento was originally broached at the Fall 2010 CCCI Conference. Eric Stadnik attended the Thursday afternoon session of the Spring 2011 CCCI Conference where the idea was explored further, and he presented a brief report to the Council. Eric said that CCCI members drafted a list of services that the advocate would provide, in addition to a list of responsibilities that CCCI would take on to help facilitate those services. Councilors received a draft proposal prior to the meeting for their review. One of the two individuals who had expressed interest in the position attended the session and recommended using the term "advocate" instead of "lobbyist." He suggested that, in addition to advocating in Sacramento on behalf of the 14 CCCI member-colleges, the advocate's efforts could be multiplied by visiting each member college at least once a year to build advocacy on a local basis, instructing faculty members on how best to approach their local representatives and affect policy. He said the best way to effect change is to have large numbers of students, faculty, and community members contact their local representatives. The advocate would attend CCCI conferences, provide a list of "hot button" items that members should be working on, coordinate efforts of the 14 member groups, and provide monthly reporting. Eric noted that this candidate for the position has knowledge, contacts, and a history of working with various groups in Sacramento. CCCI members expressed their support for this particular individual. After some discussion about how to fund the position and an informal survey of the CCCI member organizations present, it was determined that there would be enough money to fund the position. (Some of the larger member organizations have surpluses and have agreed to help out the organizations that are smaller and/or struggling.) It was agreed that there would be a one-year contract, with a 90-day "out" clause.

Councilors posed several questions, and Warren and Eric responded, as follows:

(Q) How would this particular person do anything different than FACCC? At the end of a one-year contract, what would the specific outcomes be?

(A) This position would support and supplement what FACCC does. (See www.faccc.org .) One of the primary purposes would be to help magnify efforts on a localized level, using localized training with the local faculty association and other local faculty groups to help develop their grassroots efforts. FACCC represents all community colleges, including those affiliated with national unions. Sometimes the interests of the national affiliates are not the same as interests of the independents (e.g., sometimes the national affiliates are more interested in K-12 issues). This position would allow CCCI to address issues specific to just the independents. FACCC juggles CTA, CFT, and the independents. CFT and CTA have a separate presence in Sacramento on their own.

(Q) How much would AFA be asked to contribute?

(A) AFA would set its own contribution. There is adequate funding for this position without AFA. The larger, multi-college districts are taking the primary lead (e.g., Foothill-DeAnza is contributing \$15,000 and Contra Costa is contributing \$10,000). Some of the other schools are considering a \$2,000 contribution. AFA representatives made no commitment at the conference, since there is a structural problem in the AFA budget that requires attention, and also the Council has been considering the

possibility of entering into a contract relationship with FACCC. This is not an issue that AFA is going to take action on this semester.

(Q) Would the organizations contributing \$15,000 get the same level of representation as the organizations contributing \$2,000?

(A) Yes, there's a reason for a proportional contribution. If you have more members, you ought to bear more of the load.

(Q) Would AFA's contribution come from the PAC?

(A) AFA would need to consult with our accountant, and would need to make some adjustments to build up the PAC account balance. The decision will have to wait until the next academic year. By the time AFA is in a position where we need to make a decision, we'll have some idea of how the CCCI advocate is performing, other budget issues may be resolved, and we'll have a better idea of the amount of funds with which we have to work.

4. Proposed Change to Maximum Dues Rate. Discussion on this item was postponed.
5. Third Adjunct Councilor Seat (2011-13 Term). Warren Ruud noted he would like the Council to take action to fill this open adjunct Councilor seat before the beginning of Summer 2011. (The term for this seat begins on the first day of the Fall 2011 semester.) The Adjunct Issues Committee has been asked to forward recommendations for candidates to the Council. Although there is only one more regularly scheduled Council meeting before the end of the semester, Warren said there might be a need to schedule additional meetings during the summer and he would like as much input as possible from a fully seated Council. He asked that adjunct Councilors work together to form some recommendations. Since the first semester learning curve for new Councilors is steep, Warren said it would be beneficial for a new Councilor to have the summer to get up to speed and prepare to be fully engaged in August.

MAIN REPORTS

1. Negotiations Report. This report and subsequent discussion were conducted in closed session.
2. Treasurer's Report. Councilors received a copy of the First Quarter 2011 Treasurer's Report prior to the meeting for their review. Paula Burks directed the Council's attention to the largest expenses in February and March, which included reassigned time for the Fall 2010 semester, attorney fees, and higher than usual wages for staff (related to increased workload due to the decertification attempt and faculty concerns about cuts to the schedule). Warren commented that the same factors that drive down AFA's revenues also drive up its expenses. He also informed the Council about a request from the Associated Students, who recently held a benefit for the victims of the earthquake and tsunami in Japan. The students' goal was to raise \$1,000; however, they were only able to raise \$800. The Cabinet is recommending that AFA contribute the additional \$200 to bring the total donation to \$1,000. Warren commented that AFA has a history of working together with the students on activities related to community college advocacy. There were no objections from the Council and there was a consensus to proceed with the \$200 donation.
3. Conciliation/Grievance Report. This report was conducted in closed session.

The meeting was adjourned at 5:12 p.m.

Minutes submitted by Judith Bernstein.