

EXECUTIVE COUNCIL MEETING MINUTES

March 28, 2012

(Approved by the Executive Council on April 11, 2012)

Executive Councilors present (noted by *):

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|--------------------------------|--------------------------|-------------------|----------------------|
| *Warren Ruud, <i>presiding</i> | *Dianne Davis | *Andre Larue | *Margaret Pennington |
| Paulette Bell | Cheryl Dunn | Reneé Lo Pilato | *Audrey Spall |
| Lara Branen-Ahumada | *Terry Ehret | *Sean Martin | Mike Starkey |
| Paula Burks | Brenda Flyswithawks | Terry Mulcaire | *Julie Thompson |
| *Ted Crowell | *Karen Frindell Teuscher | *Nikona Mulkovich | |

Officers/Negotiators present: Ann Herbst, Jack Wegman

Councilor-elect present: Bud Metzger

Faculty present: Phyllis Usina

Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:09 p.m. in the Mahoney Library Reading Room on the Petaluma campus.

MEMBER CONCERNS

None

MINUTES

The Council accepted the minutes from the March 14, 2012 Executive Council meeting with the following correction: The end of the third sentence in the third bullet point on page 2 will be changed to "...and he said that no distribution lists have been *deliberately* removed." (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

ACTION ITEMS

1. Revisions to AFA Policy—Duties of Adjunct Cabinet Representative. This agenda item was postponed until the April 11, 2012 Council meeting.
2. Reassigned Time for Vice President for Petaluma: Spring 2012. Warren noted that, at the March 14, 2012 meeting, the Council elected Nikona Mulkovich to serve as Vice President for Petaluma for 2012-13 and also appointed her to serve in the same position for the remainder of the 2011-12 term, replacing Mary Pierce, who is on leave. Vice presidents receive 15 percent reassigned time (not including their special projects), and 7.7 percent is the prorated balance based on the number of weeks remaining in the current semester. By unanimous voice vote, the Council approved a motion made by Ted Crowell and seconded by Karen Frindell Teuscher to approve the prorated amount of 7.7 percent reassigned time for Nikona Mulkovich as Vice President for Petaluma for the remainder of the Spring 2012 semester.

3. Reassigned Time for Officers, Negotiators, and Other Positions: Fall 2012 (see Discussion Item #2). By unanimous voice vote, the Council approved a motion made by Nikona Mulkovich and seconded by Sean Martin to approve the Cabinet's recommendation for reassigned time for officers, negotiators, and other positions for Fall 2012 as amended with a 5 percent increase in reassigned time for the Budget Advisory Team Leader.

DISCUSSION ITEMS

1. SIS Load Lookup for Faculty. Warren noted that he has not yet had the opportunity to speak with Dr. Chong about the matter, but he did speak to some individuals within the administration. Since this issue would involve a request from AFA to the District about something that could be considered to fall under working conditions, Warren said he believes that it most likely will end up being a negotiated item. AFA already has the ability to access faculty load information. To gain this access for all faculty members, AFA most likely will need to provide the District with reasons and interests based on "need to know." Load information is available in the Schedule of Classes and also in load reports, which are published after the fact and are available in the library. Department chairs and deans, as well as the AFA office, have the same level of access to load lookup for all faculty members. Warren suggested that there is a workload issue associated with each of those positions. He also said that, if AFA is going to pursue this issue through negotiations, the typical process is to develop interest statements. He suggested that Article 3: Association Rights and/or Article 16: Hourly Assignments might be the appropriate places for any new negotiated language on this subject. The Council engaged in a lengthy discussion, which included the following comments:
 - Article 16 would be the appropriate article because faculty members have an interest in transparency and clarity as related to like load, and also in making sure that the process is being followed.
 - Faculty members can already look up instructional load through the schedule and, in most cases, that is a reliable way for looking up regular faculty load. It's not as reliable for looking up adjunct load, which can vary from semester to semester and sometimes take a form that doesn't show up in the schedule (e.g., allied or lab load).
 - The word "transparency" has come up often in Article 16 Committee discussions. If AFA were to negotiate this item now, it would feed into the work that the Article 16 Committee is hoping to accomplish down the road.
 - Who has a "need to know"? One could make a good argument that the current access is meeting the needs of the faculty. If it is so inconvenient for faculty to walk over to the AFA office that AFA needs to renegotiate an entire article, I need to hear the argument for why it needs to be accessible by every single member of this unit. I'm not entirely convinced that the ability to access this information has always been used in the past with the highest of intentions. Sometimes, faculty have divulged and used the information inappropriately and inaccurately. I think AFA should be careful.
 - There's a distinction between access and making the access. The need to know might be best framed in terms of implementing the access. For example, it's a good thing to have access to health insurance, even though one may not use it.
 - When the schedule is being made, it needs to be done in a timely way. People may need to know immediately and may not have the time to go the AFA office.
 - Load information isn't available until the schedule is published on the Web. There are adjunct instructors who feel that their rights are not being defended by department chairs who aren't doing what they should be doing. I don't see that this process addresses that question. Once the schedule has gone to the dean, I'm not sure how this captures that particular problem. The only time the information becomes available is once the AFA office has access to it. The assignment process is not covered.
 - This isn't going to be a vaccine for the problem, but it might be a prophylactic for the problem.

- The problem is one of two things: one is that the chair or the dean is not following the Contract. AFA needs to deal with that, and access to load lookup isn't going to help that. The other issue is: would AFA staff look up load information for anyone who calls or asks? It is the responsibility of the department chair to show adjunct faculty members who ask. I think AFA should deal directly with chairs who are not following Article 16, rather than dealing with that problem in this way.
- If department chairs are not doing their jobs, the union has an obligation to stop that. The union should not be allowing faculty to have the right to access their loads. AFA should put language into the Contract that, after Proof 2, the adjunct faculty has a right to go to the chair and be shown the schedule. This is an issue of states' rights vs. federal rights. The union advises the departments, not the other way around.
- I support the idea that, if anything is going on behind the scenes that is in violation of the Contract or the spirit of the Contract, as a union it is our job to address the problem or clear up the communication. As a reality, it is difficult for an adjunct faculty member to confront a chair—it could be considered "career suicide." I would want to know that there was a buffer between my chair and me. Part of the solution to the problem might be to hold chairs' "feet to the fire" by ensuring that load information will become public at some point.
- The union should be the buffer. If AFA is falling down on that duty, we need to get on the case. Abuses go in both directions. There have been instances of people improperly and inaccurately using other people's loads against them. We need to cut down on all forms of abuse.

In response, Warren pointed out that all of the information that is on lookup is eventually available in load reports in the library. It's just not as current. Workload reports are available and will always be available, by law. All of the information that was used to attack regular faculty who had overloads came from the workload reports.

- Most department chairs try to do the right thing. I think most mistakes are mistakes of ignorance. There are all kinds of things that one can do after the publication of the schedule. It doesn't feel good to be the target of that kind of action. If you're looking up load and you don't understand the Contract, you may not know the reasons why the load was assigned a particular way. I don't think that knowing that load information will be made public would be enough to stop someone from monkeying around with the assignments.
- This issue is obviously complicated. If someone thought they had been treated unfairly, they should come to AFA. How many times does AFA communicate with our membership? People shouldn't play "Lone Ranger," especially if this information is available at the union office.
- It's not load history, it's what gets published when the schedule is permatized that's the issue. It's more expedient, easier, and less workload for everyone to make Proof 2 public by posting it in the department. That can solve the problem. Individuals have suspicions, but people want anonymity. Often, they don't want an AFA Officer talking to their chair. If the department were required to post the proof, that might get us what we want.
- If, as Scott Conrad said, giving faculty access to load lookup is technically not a difficult thing to do, then the transparency would help. Even after the fact, if you think something went wrong and you were able to look it up, and then take a step—like talking to the union or to your chair—you'd be enabled. Adjuncts can feel pretty uncomfortable about confronting something. Sometimes things can simply be a mistake. If you can see it yourself, you have that piece of information. Why is it a problem for people to have information that, by law, they will have at some point anyway?
- Once when there was a mistake that was made in assigning classes, someone with less seniority got a class, and I learned about it by accident. Even though I've been here for a very long time, I was reluctant to confront the department chair. If there were a way to look something up just to satisfy your own understanding, it certainly would make it easier.
- A discussion such as this one amongst chairs would provide an opportunity for a reminder to follow Article 16.

In response, Warren commented that department chairs rotate in and out every three years, and it is difficult to get uniformity across departments. He also mentioned that there are many issues related to load that AFA would need to address through Article 16, rather than through pursuing all faculty access to load lookup. For example, Article 16 does not address whether the 40% guarantee of an offer or the 67% limit on assignments applies only to department load or to District-wide load. A great deal of scheduling is done after Proof 2, which is just a start, because only instructional load is done for Proof 2. Additional assignments come in, especially for categorical programs, and also lab and allied assignments are added or changed. Load reports are produced when the District believes it has a good snapshot of the schedule, but it is a possibility that load reports could be produced earlier.

- Educating department chairs on an ongoing basis is a really good idea. AFA officers have been presenting Article 16 trainings for departments. Deans need to be on board, too. The District has asked AFA to do some workshops for management starting next fall. I would support moving in the direction of educating people—not instead of, but in addition to, getting access to load lookup for faculty. This topic reminds one of the statistics around academic integrity. There's a percentage of students who are never going to cheat, a percentage who are always going to cheat, and there's a chunk in the middle. Given the opportunity to work with people, some might just need the education. If we make progress with them, we save time and heartache down the road.
- Departments do scheduling differently. Is there any thought to a more consistent way of doing things? Petaluma faculty members often talk about being left out. Sometimes it feels like Petaluma's interests are not being represented because everything is being done in Santa Rosa.

In response, Warren explained that every department does assignments differently because of its culture. AFA has only been around for 20 years, and the College has been around for 90 years. He said that the process is much more uniform than it used to be before collective bargaining. Warren drew a comparison to states' rights, noting that it's difficult to get every department to make assignments the same way. The Santa Rosa/Petaluma issue is a structural problem. The department chair develops the schedule, but the ultimate responsibility lies with the dean. A Petaluma dean and a Santa Rosa dean are different entities—one is geographic in nature and the other is an area/cluster designation.

Warren suggested that it would be beneficial to provide some direction for the negotiating team. Someone will need to develop interest statements, and it would be best if the Councilors who brought the issue forward prepared them. One possibility would be for the Adjunct Issues Committee to prepare them, since various members of the AIC have expressed strong feelings about this issue, and several members of the AIC are current or former negotiators. In response to a question about what concerns the District might have about allowing faculty access to load lookup, Warren said that he believes the District is concerned about privacy issues, access to their systems, increasing the possibility of confrontations between faculty members and their chairs, and future inappropriate use and disclosure of faculty overload information. In response to a suggestion that a multifaceted approach be used to formulate the interest statements (e.g., AFA has an interest in having people's loads assigned fairly), Warren responded that AFA would need to explain why AFA staff couldn't do the load lookup if only one or two loads are of concern. The inference is that everyone will be looking up everyone else's load. The District is aware of the past history of people publishing load information and chastising faculty with overloads. Warren also suggested that it would be beneficial to embed the request for all faculty access to load lookup into a larger concern about transparency and assigning load correctly the first time.

2. Reassigned Time for Officers, Negotiators, and Other Positions: 2012-13. Warren reviewed the Cabinet's recommendation for the allocation of reassigned time for 2012-13, which was distributed to Councilors prior to the meeting and also projected onscreen. He elaborated on the following items: (1) The president receives 60 percent annualized load for the position, in

addition to the reassigned time received for other positions held, such as 10 percent for serving on the negotiating team. Warren is also serving as Budget Analyst, but he is not taking on any additional reassigned time for that task. (2) Beginning two years ago, both vice presidents (VPs) have taken on special projects, for which they each receive an additional 10 percent in reassigned time. The special project typically involves more than a 10 percent commitment, but each VP also receives 15 percent for serving as VP. As the current VP for Santa Rosa, Mike Starkey agreed to take on Article 16 as his special project. As VP for Petaluma, Mary Pierce took on the compressed calendar, and Janet McCulloch is bringing that project to an end this semester. The new project that will replace the compressed calendar is researching the medium and large lecture load, which seems to have the most pressing need in Petaluma and, therefore, is a good choice for the Petaluma VP. (3) Last year, AFA created the Budget Analyst Team (BAT), and assigned 10 percent in reassigned time to the leader of the BAT. Will Baty has been serving in that position, and he is currently logging 160-170% of the hours allocated to that position. The BAT has been a very productive committee, and the job has grown based upon what AFA has asked Will to do. Warren recommended that the Council amend the proposed allocation for this position by increasing it from 10 percent to 15 percent. (4) The positions of past President, past Conciliation/Grievance Officer, and past Publications Coordinator would each receive five percent for one year to provide additional support and training to assist the new individuals coming into those positions for the first time. The additional reassigned time would bring both the President and the Chief Negotiating Officer up to 80% in total, which would not exceed what those two positions receive now. (5) The job of the Adjunct Cabinet Representative has evolved and grown since it began with five percent as a starting point, which is the reason why it has been increased to ten percent. Current discussions regarding the proposed revisions to the duties of the Adjunct Cabinet Representative would have the individual in that position be more specifically involved in grievance issues with the Conciliation/Grievance Officer and taking the lead in presenting the semi-annual PDA workshop for adjunct faculty. Terry Ehret asked that the record reflect her opinion that the reassigned time for the Adjunct Cabinet Representative should be comparable to a vice president working on a special project. Warren noted that reassigned time, as is the case for every other position, could be adjusted. He also drew a distinction, in terms of the disparity in workload, between presenting a PDA workshop and chairing the Article 16 Committee. At the conclusion of the discussion, by unanimous voice vote, the Council approved a motion made by Ted Crowell and seconded by Sean Martin to move this item to action.

3. Councilor Mid-Term Replacements for 2012-13. Warren informed the Council that, due to a variety of leaves, there could be two or three vacant regular faculty seats on the Council for the Fall 2012 semester. He suggested that Councilors begin to think about potential candidates for appointment to these replacement positions. The Cabinet's recommendation is for the Council to make appointments instead of holding a special election, since the terms for these positions would be one semester only. Warren also noted that an appointment allows faculty members who are otherwise reluctant to run in an election a way to get involved with AFA. In addition to focusing their recruitment efforts on eligible regular faculty members of AFA, Warren recommended that Councilors consider several other criteria, including: (1) the potential for a long-term commitment to serving on the Council; (2) the potential to serve in AFA leadership positions in the future; (3) work assignments at locations other than the Santa Rosa campus; and (4) work assignments in areas underrepresented on the Council, including the lab sciences and Career & Technical Education departments such as Health Sciences and Public Safety. Noting that there are three regularly scheduled meetings remaining in the current semester, Warren stated that no action was needed at this time. He requested that Councilors send him names of prospective candidates. Warren also noted that no timeline has been set yet for the special election to fill the vacant adjunct Councilor seat for 2012-13. With eight weeks left in the semester, he suggested that the special election could be held in the last two weeks of April, and he asked the Adjunct Issues Committee to bring a recommended timeline to the next Council meeting on April 11.

MAIN REPORTS

1. President's Report.

- AB 1741 (Fong). Warren encouraged Councilors to support FACCC-sponsored AB 1741, carried by Assemblymember Paul Fong and also known as the Student Success Infrastructure Act (http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1701-1750/ab_1741_bill_20120320_amended_asm_v98.pdf) by going to FACCC's Point and Click/Online Letter Writing page at http://www.faccc.org/govrelations/index.cfm?gr_event=billsdisplay&action=list . (The link to FACCC's Point and Click page can also be found on AFA's Advocacy page at <http://www.santarosa.edu/afa/advocacy.shtml> .) Warren cautioned that the recommendations of the Student Success Task Force (SSTF) are proceeding very quickly through the Legislature, and AB 1741 may be the last chance to mitigate the impact of those recommendations on community colleges. The Chancellor's Office is moving forward with implementation of some of the SSTF recommendations, and State Senator Lowenthal has carried forward another bill that would put all the recommendations that require legislation into law. The purpose of AB 1741 (Fong), on the other hand, is to prevent an unfunded mandate by providing an infrastructure with which to implement the SSTF. AB 1741 would establish a fund (i.e., a savings account) and set up a task force that would look at the implementation of other legislation, such as Lowenthal's bill, and decide how much it would cost. Then, the State would have to fund this fund in order to go forward with the legislation. Warren commented that neither CFT nor the Community College League has come out in support of AB 1741, yet. SRJC students, on the other hand, are very much on board. AB 1741 is scheduled for a hearing in the Assembly Higher Education Committee on April 17, and Warren said he would like AFA to provide support to Associated Students Vice President of Advocacy Michelle Dowling in attending that hearing by covering her travel expenses. There were no objections to that request. Warren said he may attend the hearing, and he encouraged Councilors who might be available that day to attend, as well. He said he would email the specific time when the hearing is scheduled once he finds out that information.

Warren pointed out that, at the lowest level of participation, one click on FACCC's Point-and-Click page takes 20 seconds, and it sends a boilerplate email to all the legislators in one's district. Audrey Spall, who attended FACCC's Policy and Advocacy Conference in March, commented that everyone she met there confirmed that sending emails *does* matter, even if you just send the boilerplate message. Warren added that it makes a greater impact if you personalize your message and even a greater impact if you make phone calls to your legislators. Faculty may also indicate their opposition to the Lowenthal bill on FACCC's Point-and-Click page.

- 2013-14 Academic Calendar. Warren reported that, after the Council approved the 2013-14 calendar, the Chancellor's Office tightened the window on "W" dates and moved them back one week (from Week 4 to Week 3 and from Week 14 to Week 13). The 2013-14 calendar now reflects this change, but the rest of the calendar remains exactly the same. The other constituent groups have reviewed it, and it has gone through College Council.
2. Conciliation/Grievance Report. This report and subsequent discussion were conducted in closed session.
 3. Negotiations Report. This report and subsequent discussion were conducted in closed session.

The meeting was adjourned at 5:30 p.m.

Minutes submitted by Judith Bernstein.