

EXECUTIVE COUNCIL MEETING MINUTES

April 24, 2013

(Approved by the Executive Council on May 8, 2013)

Executive Councilors present (noted by *):

*Julie Thompson, <i>presiding</i>	*Ted Crowell	*Andre LaRue	*Margaret Pennington
*Paulette Bell	*Dianne Davis	*Sean Martin	*Audrey Spall
*Lara Branen-Ahumada	*Terry Ehret	*Bud Metzger	*Mike Starkey
*Shawn Brumbaugh	*Deirdre Frontczak	*Terry Mulcaire	Phyllis Usina
*Paula Burks	*Brenda Flyswithawks	*Nikona Mulkovich	

Officers/Negotiators present: Lynn Harenberg-Miller, Jacqueline McGhee, Warren Ruud, Jack Wegman

Faculty present: Michael Ludder

Guests present: David Balla-Hawkins, CCCI Advocate

Staff members present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:10 p.m. in Room #4245 in Doyle Library on the Santa Rosa campus.

MAIN REPORTS: CLOSED SESSION

1. Negotiations Report. This report and subsequent discussion were conducted in closed session.

The Council moved out of closed session at 3:30 p.m.

MEMBER CONCERNS

1. Professional Development, Absences, and Substitutes for Adjunct Faculty. Following up on an issue raised during a discussion about AFA's professional conference policy at the April 10th Council meeting, Terry Ehret raised a concern about the difficulties that some adjunct faculty members have encountered when trying to make provisions for missing class(es) and providing coverage for their students in order to take advantage of professional development opportunities. She briefly described the process she followed in one particular instance, when she was presenting a paper related to her discipline at a professional conference, and the complexities she ran into as she explored various options, such as the possibility of earning Flex credit, using College service, and requesting a substitute. Terry suggested that the lack of a clearly defined department or College policy may discourage adjunct faculty from going to professional conferences and also puts adjunct faculty at a disadvantage professionally. She suggested that this problem might also affect contract faculty and asked that the issue be scheduled for discussion at a future Council meeting. Other Councilors talked about using personal necessity leave under these circumstances. There was also acknowledgement that the District's reluctance to authorize the hiring of substitutes and the cancellation of classes have a negative impact on students. Julie said that it would take some research to fully understand this issue and determine what falls within AFA's purview.

2. Pension Reform and Like Load. Julie said that a colleague asked her to bring forward a concern, which has been raised before, about the impact of CalSTRS' 180-day, zero-dollar earnings limit on like load. Julie noted that the Council had engaged in a thorough discussion about this issue at one of its previous meetings.
3. Acknowledgment of AFA Publications. Terry Ehret expressed her appreciation to Terry Mulcaire and Lara Branen-Ahumada for their work on the Article 16 primer in *Update* and the issue of parity in *Dialogue*, respectively, and the Council gave them a round of applause. Julie mentioned that, as a way to encourage more faculty members to submit feedback so that their responses may be published in future issues of *Dialogue*, the solicitation of faculty feedback that appears at the bottom of each issue of *Dialogue* would be moved to the top.

MINUTES

Following a request that the minutes reflect that ESL was mentioned specifically in Discussion Item #5, by unanimous voice vote, the Council approved a motion made by Terry Ehret and seconded by Bud Metzger to approve the minutes from the April 10, 2013 Executive Council meeting as amended (17 in favor, 0 opposed, 0 abstentions). (Approved minutes are posted at <http://www.santarosa.edu/afa/minutes.shtml> .)

PRESENTATION

1. Budget & Legislative Report from Sacramento. California Community College Independents (CCCI). (See <http://www.cccindependents.org/> .) CCCI Advocate David Balla-Hawkins updated the Council about the following items:
 - SB 520 (Steinberg) Student Instruction: California Online Student Access Platform (see http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB520&search_keywords=): This morning, members of the Senate Committee on Education voted on SB 520. Senator Darrell Steinberg presented the bill with a number of last-minute amendments. The bill started out with a commission composed of nine faculty members—three from each of the three higher-ed systems, which would approve 50 of the highest-impacted general education courses to be contracted out by Fall 2014 and would create public-private partnerships to "improve" student access. Mr. Balla-Hawkins pointed out that nine faculty members couldn't possibly represent all three systems (CCCs, CSUs and UCs) in all curriculums. Steinberg has gone back to using faculty curriculum approved by the Academic Senate. CCCI was still opposed to the bill. This morning, Senator Steinberg said that he wants to set a goal of 50, which could have public-private or public-public partnerships (an example of the latter would be SRJC and SSU sharing a course). If the commission didn't reach the targeted goal, there would be no consequences. Mr. Balla-Hawkins pointed out that a bill typically takes 15 minutes or maybe 30-40 minutes of discussion, but this bill took an hour and a half of discussion. Every labor group was opposed. The Senate will vote on SB 520 next week, and there will be no testimony at that time. Mr. Balla-Hawkins said that the bill has become much more reasonable and is still very much alive. There are still problems with it, including the cost to students, as well as assessment, curriculum control, and oversight issues that have yet to be resolved. CCCI will be looking at whether there is a way to fix the existing climate with community college online courses through this bill. One problem that exists now is the displacement of faculty and classified staff through the creation of online courses. One idea would be to remove the profit incentive by mandating that, with any public-private partnership, students could not be charged a fee higher than the community colleges charge. That would create a disincentive. Mr. Balla-Hawkins said he anticipates that CCCI will still be opposing the bill, but it may look at amendments that would make it more "user-friendly." He noted that typically one would want to kill a bill like SB 520, but the bill went through major changes and now reflects what community colleges are currently doing. It includes faculty control through academic senate sign-off. Community colleges can now do public-private partnerships, but the mandate has been removed and 50 courses is now only a

goal. The meat of the bill is dead, and that's a victory. Now, is there some way to make the existing climate even better?

- AB 806 (Wilk) Community Colleges: Salaries of Classroom Instructors (see http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB806&search_keywords=): The 50% law, which has been in place for 40 years, requires that half of all revenues coming into a district must be spent on instruction. AB 806 proposes to include the cost of health and welfare benefits, teaching assistants' salaries, and instructional equipment in the calculation of the 50%. In a vote taken earlier this week, Assemblyman Das Williams, who chairs the Assembly's Higher Education Committee, cast the swing vote in favor of approving this bill, which will now move out of the Higher Education committee and on to the Assembly Appropriations Committee—where, according to Mr. Balla-Hawkins, it will most likely be "killed" because of the cost associated with implementation of the bill. In his testimony at a hearing before the Higher Education Committee, Mr. Balla-Hawkins told those present that it saddens him that the threshold for funds dedicated to teaching has been set only as high as 50%. Proponents of AB 806, which is an outgrowth of the recommendations of the Student Success Task Force, argued that community colleges need more counselors; however, there's no guarantee that, if this bill passes, CCCs would end up with more counselors. Mr. Balla-Hawkins suggested that it would be better to look to administrators' salaries and district reserve accounts for additional sources of revenue for increasing the number of counselors.

Mr. Balla-Hawkins commented that Governor Brown wants to get rid of categorical line items in the budget. Governor Brown thinks that the state shouldn't micromanage how schools spend their money and that boards will fund EOPS and other categorical programs because it's the right thing to do. The freshman class of legislators has bought into this argument. It will take some education to explain the problems with this line of thinking to them. The good news is that new legislators won't be leaving office as quickly as they would have prior to term limit reform. They won't need to campaign every two years, so they can pay more attention to policy, and some may stick around for 12 years.

In response to a question from the Council, Mr. Balla-Hawkins explained that the problem with including the cost of counselors and increasing the percentage threshold to 55% is that the cost of instructional counselors is already included in the 50% law. If you include the cost of strictly counseling, you diminish the percentage of teaching. CCCI's argument has been that 50%—only half of the money that goes into the system being applied to instruction—is too low. Student services and instruction are the most important elements. There is no cap on administrative growth and, as a result of ACCJC's sanctions, we've seen increases in the cost of administration. The same holds true for the imposition of student outcome measures. There are other things we could look at instead of reducing the number of teachers to get more counselors. What would happen in return for including counseling? They would cut teachers and counselors. There's no guarantee that counselors would be added to fill in the gap. Proponents argue that the bill would give districts flexibility in their budgets so they can spend the funds on anything as they see fit.

California's community colleges have taken years of budget cuts. The legislature used to focus on how to restore programs, but access is now becoming an issue. Students can't get into CCCs, and state universities have imposed policies to keep out students from poor, under-represented communities so that they can accept students from higher-income communities in order to increase graduation rates, at the expense of denying access. CCCs are now doing the same thing with "student success," which is to set higher barriers and downplay the need for student services. How many first-generation students who don't have access to a counselor are going to access an appeals process because they were denied a class? CSUs are now restricted, and next to be restricted will be community colleges. If California loses access to community colleges, we have lost everything, and we've lost it for the UCs, too.

- SB 241 (Evans) Oil Severance Tax Law (see http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB241&search_keywords=): This legislation would result in imposition of a 9.1% extraction tax on oil companies. California is the only state of the 22 oil-producing states in the U.S. that does not have an extraction tax. Mr. Balla-Hawkins pointed out that former Governor of Alaska Sarah Palin increased the oil severance tax to 25%. Ninety-three percent of the tax revenue generated by SB 241 would go to community colleges, CSUs, and UCs. Noreen Evans is the author of the bill. Over time, most likely other segments will want a portion of that revenue. In order to pass, SB 241 will need a two-thirds vote in both houses. Even though there is a super majority of Democrats in both houses of the state legislature, Mr. Balla-Hawkins predicted that the final vote on this bill would still be tight.
- AB 955 (Williams) Community Colleges: Intersession Extension Programs (see http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB955&search_keywords=): FACCC is reconsidering their support of Das Williams, member of the Assembly and chair of the Assembly Higher Education Committee, based on Williams' sponsorship of AB 955 and his votes opposing labor on other bills. FACCC and others did not foresee that Assemblymember Williams would take these positions.
- SB 1456 (Lowenthal) Community Colleges Student Success Act of 2012 (see http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201120120SB1456&search_keywords=community+college): Noting that SB 520, AB 806, and AB 955 all seem to be linked with the student success funding model and back-door efforts to change the funding structure to create a counseling infrastructure, a Councilor asked whether there was any hope to go back and weaken the student success bill (SB 1456) or find ways to amend it. In response, Mr. Balla-Hawkins said that CCCI and FACCC were successful in getting the bill amended to protect students by funding student support services, but that amendment lasted only two days. After the governor met with Senator Lowenthal—the author of the bill—and later the Chancellor, that amendment—along with matriculation—was eliminated. Working with legislators and committees, CCCI has figured out a way to fund counseling and student services without any enactment of the policy. The idea would be to fund the infrastructure—without any expectation that an educational plan would be put together by a certain date—and put the policy on hold for one year.
- Accreditation and ACCJC. California community colleges are the only educational entities that have a separate accreditation agency—the Accrediting Commission for Community and Junior Colleges (ACCJC), which operates under the Western Association of Schools and Colleges (WASC). (See <http://www.accjc.org/>). All the other community colleges in the nation fall under the same accreditation agencies as their local state universities. ACCJC has come under fire from many faculty organizations for its aggressive imposition of sanctions. In every other region in the U.S., the rate that accreditation agencies impose sanctions is 2–3%. In California, ACCJC's rate is 20%, and ACCJC President Barbara Beno has been very critical of shared governance in her reports. In his role as CCCI advocate, Mr. Balla-Hawkins is communicating with legislators regarding faculty concerns about ACCJC.

DISCUSSION ITEMS

1. Reassigned Time for Officers, Negotiators, and Other Positions: Fall 2013. Julie noted that many of the officers' and negotiators' workload exceeds their reassigned time. AFA Coordinator and Bookkeeper Candy Shell has analyzed the timesheets submitted by officers and negotiators to determine how many additional hours each individual has worked over the past year beyond the amount allocated to his or her position. Based on that analysis, the Cabinet is recommending that reassigned time for Fall 2013 be increased for three positions—Conciliation/Grievance Officer (from 40% to 50%); Chief Negotiating Officer (from 60% to 65%); and Publications Coordinator (from 15% to 20%). AFA's cost to purchase

reassigned time from the District is approximately \$1,000 per 5% per semester. Comparing the current budget for Spring 2013 reassigned time to the proposed budget for Fall 2013 reassigned time, the total increase is 20%, or \$4,000 for the semester and \$8,000 for the year. In response to Julie's call for discussion, several Councilors expressed support for the increases. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Terry Mulcaire to move this item to action (17 in favor, 0 opposed, 0 abstentions). (See Action Item #1.)

2. Summer 2013 Hours for Officers. Julie noted that several officers typically continue some AFA work over the summer and submit their timesheets in the fall. In anticipation of Summer 2013, she suggested that the Council engage in a conversation to consider authorizing a certain number of hours and prepare for the expenses that may be incurred. In Summer 2012, the outgoing and incoming Conciliation/Grievance Officer, the Chief Negotiating Officer, and the President logged approximately 143 hours in total. At this point, it is not known whether the negotiations team will be meeting over the summer; however, there will probably be a need to conduct some research. Julie suggested the Council consider a total amount of \$10,000 (+/- 200 hours) for the summer.

There was a brief conversation about the form that the payment issued to the officers would take (each individual's timesheets will be processed through District payroll) and when the terms of the officers and negotiators elected for 2013-14 would begin (on the first day of the Fall 2013 semester, with the exception of some transition time and mentoring over the summer for the incoming Conciliation/Grievance Officer). It was pointed out that setting an upper limit of \$10,000 doesn't mean that the officers will use that amount, but it is important to budget a certain amount in order to allow for potential needs and avoid unanticipated expenses. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Lara Branen-Ahumada to move this item to action (17 in favor, 0 opposed, 0 abstentions). (See Action Item #2.)

3. Appointment re: Adjunct Councilor Mid-Term Vacancy 2013-14. (Note: Julie added this item to the agenda at the meeting.) The AFA office sent out two email announcements to the adjunct faculty distribution list soliciting statements of interest in being considered for appointment as a mid-term replacement for Ted Crowell's seat as an adjunct Councilor (for the second year of his two-year term). Julie informed the Council that only one faculty member responded with an expression of interest—Dwayne Mulder, adjunct AFA member in the Philosophy Department. While Dwayne's colleagues Ted Crowell and Sean Martin mentioned that they had no intention of stacking the Council with philosophers, both endorsed his candidacy, spoke to his character, and gave a brief description of his educational background and work experience. Dwayne started teaching at SRJC in 1999, and it was pointed out that he has a degree of institutional memory, having been through the ups and downs of the budget, increases and cuts to the categorically funded enhanced salaries, and increases and reductions to his load over time. Julie noted that there is a need to fill the seat soon, so the new Councilor can get up to speed and be prepared by the first Council meeting in the fall. She also pointed out that, while Dwayne comes from a department that is already well represented on the Council, he was the only adjunct faculty member to respond to two calls for candidates. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Nikona Mulkovich to move to action the appointment of Dwayne Mulder as a mid-term replacement for the second year (2013-14) of Ted Crowell's adjunct Council seat (17 in favor, 0 opposed, 0 abstentions). (See Action Item #3.)

ACTION ITEMS

1. Reassigned Time for Officers, Negotiators, and Other Positions: Fall 2013. (See Discussion Item #1.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Nikona Mulkovich to approve the reassigned time for officers, negotiators, and other positions for Fall 2013 as presented (17 in favor, 0 opposed, 0 abstentions).

2. Summer 2013 Hours for Officers. (See Discussion Item #2.) Julie clarified that the reassigned time that officers receive during the academic year starts on the first day of the fall semester and runs until the last day of the spring semester, and hours performed during the summer are not included. She noted that her timesheet for Summer 2012 reflected an average of ten hours per week. As with all other AFA expenses, the additional hours for summer would be paid out of dues and fees revenue. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Nikona Mulkovich to approve a total of \$10,000 with flexibility (may be more or less) to compensate officers for work performed over Summer 2013 (17 in favor, 0 opposed, 0 abstentions).
3. Adjunct Councilor Mid-Term Vacancy. (See Discussion Item #3.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Nikona Mulkovich to appoint Dwayne Mulder as a mid-term replacement for the second year (2013-14) of Ted Crowell's two-year term as adjunct Councilor (17 in favor, 0 opposed, 0 abstentions).
4. Appointment of AFA Representative to Professional Development Committee. (See President's Report.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Paula Burks to appoint Norberto Quiroz as AFA's second representative to the Professional Development Committee for the remainder of the Spring 2013 semester, effective immediately (16 in favor, 0 opposed, 1 abstention).

MAIN REPORTS

1. President's Report. Julie presented brief reports about the following items:
 - AFA Social Mixer. Monday, September 30—the fifth Monday of the month—has been set as the date for an AFA social mixer in Santa Rosa, and there is a possibility that something similar will be scheduled in Petaluma. As many longtime AFA Councilors and negotiators are preparing to retire, AFA needs to engage in planning for future leadership. This event would provide an opportunity for current Councilors, officers, and negotiators to talk to newer contract and adjunct faculty members about what AFA does and what it's like to serve on the Council, on the negotiating team, and as an officer or other leadership position. These events would be held in the late afternoon, and more details will be forthcoming as planning progresses.
 - General Membership Meeting. Pending more information about the progress of negotiations, a General Membership Meeting has been scheduled tentatively for the afternoon on Wednesday, May 15th, and Julie also asked the Council to continue to hold open the afternoon on Wednesday, May 22nd.
 - AFA Appointment to Professional Development Committee (PDC). At its previous meeting, the Council appointed adjunct Councilor Deirdre Frontczak as AFA's adjunct representative on PDC for this semester. Norberto Quiroz, a regular faculty member in the Counseling Department on the Petaluma campus, has expressed interest in the other AFA seat on PDC. There are two or three PDC meetings remaining this semester. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Nikona Mulkovich to move to action the appointment of Norberto Quiroz as an AFA representative to the Professional Development Committee for the remainder of the Spring 2013 semester (17 in favor, 0 opposed 0 abstentions). (See Action Item #4.)
2. Conciliation/Grievance Report. This report and discussion were conducted in closed session.

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

Minutes submitted by Judith Bernstein