



santa rosa junior college  
All Faculty Association

*AFA is working for you.  
The strength of faculty working together.*

## EXECUTIVE COUNCIL MEETING MINUTES

February 23, 2022

(Approved by Executive Council on March 9, 2022)

Executive Councilors present (noted by \*):

*Sean Martin, <i>presiding</i>	Brenda Flyswithawks	*Steven Kessler	*Kat Valenzuela
*Ashley Arnold	*Deirdre Frontczak	*Jessica Paisley	*Sarah Whyly
*Paulette Bell	*Laura Larqué	*Salvador Rico	*Catherine Williams
*Leticia Contreras	*Erica Lohne	*Ivan Tircuit	<i>Associate Vacancy</i>
*Claire Drucker	*Matthew Martin	*Carlos Valencia	

Negotiators/Appointed Positions present: Anne Donegan, Casandra Hillman, K. Frindell Teuscher

Councilors-Elect present: Emily Schmidt, Michelle van Aalst

Staff members present: Stephanie Simons

The meeting was called to order at 3:04 p.m., via Zoom Conferencing.

### CLOSED SESSION REPORTS

1. **Negotiations Report.** This report and discussion were conducted in Closed Session.
2. **Conciliation/Grievance Report.** This report and discussion were conducted in Closed Session.
3. **Cabinet Report.** This report and discussion were conducted in Closed Session.

Closed Session adjourned at 3:59 p.m.

### OPEN SESSION

Open Session reconvened at 4:01 p.m.

### MEMBER CONCERNS WITHIN AFA'S PURVIEW

1. Vaccine mandate and SRJC working conditions. A member reported that the Canadian COVID Care Alliance has determined the COVID-19 vaccines do more harm than good and are a public health threat. The member concluded that SRJC support for vaccination directly affects working conditions.

### MINUTES

There being no corrections or additions, a motion was made and seconded to approve the minutes from the February 9, 2022 Executive Council and General Membership meetings as submitted (16 in favor, 0 opposed, 0 abstentions).

(Approved minutes are posted at <http://www.afa-srjc.org/minutes.shtml>.)

### DISCUSSION ITEMS

#### 1. **Nomination of Appointed Positions: Associate Cabinet Representative**

Sean announced that nominations for this position are now open and will remain open until March 7. This position also serves as co-chair of the Associate Issues Committee. Notice of the opening will be sent to the associate faculty. Any associate member can be nominated, with preference given to Councilors and Negotiators. Sean called for nominations.

- The following nominations were made:
  - Brenda Flyswithhawks (pending acceptance)

## **2. AFA Representatives to District-wide Committees: Strategic Plan Coordinating Committee; EEOAC**

Sean announced that there is one seat open on each committee for an AFA representative. The nominations were opened at the Feb. 9 meeting. Any AFA member can serve in these roles, with first priority given to Councilors. He called for nominations, which will remain open until filled.

The following nominations were made:

- Anne Donegan, Strategic Plan Coordinating Committee (accepted)

## **3. AFA, Shared Governance, and Faculty Purview**

Sean delivered a presentation based on the recent PDA presentation on the same topic. Shared Governance will be discussed again at the Executive Council spring retreat.

- Sean reported that the college has received a PRT grant to provide guidance and help fund the redesign of shared governance at SRJC. This discussion is currently happening at College Council, and will include the various constituent bodies around campus (i.e., AFA, Academic Senate, SEIU, Classified Senate, SGA, administration and management). The purpose of this review is, in part, to clarify the role that each of these governing bodies plays in shared governance, and align shared governance with legal purview. The outcome is intended to ensure all constituent groups are given their proper role in developing recommendations to the BOT regarding the development of District policy while also ensuring that matters within the scope of representation are only addressed in the collective bargaining process.
- Sean reviewed the Priority of Legal Authority:
  - The Law has primary authority (i.e., Education Code, EERA, Government Code, Penal Code). The second level of legal authority is the Contract. The third level of priority is Board Policy. Note that the Contract must conform with the laws and the Board policy must adjust to conform with the Contract. (See Contract [Article 2.02 Board Rights](#)).
- Educational Employment Relations Act (EERA):
  - Establishes the right of the faculty to form a union, and to identify who will serve as the exclusive bargaining agent
  - Prohibits bypassing or direct dealing
  - Guarantees the right to have an exclusive bargaining agent
  - Is administered by the Public Employment Relations Board (PERB).
- AFA is:
  - The EXCLUSIVE bargaining agent for the faculty at SRJC
  - An independent entity, representing the faculty
  - Not a component of the District
  - Establishes labor peace through agreements in the Contract.

Work that falls to the exclusive bargaining agent includes the following examples: creation of positions, generation of job descriptions, compensation for Unit members, and numerous others as enumerated in the PERB decision bank.
- Shared governance bodies have a goal of inclusivity, but in matters of collective bargaining, only the body identified as the exclusive bargaining agent can engage in discussions with the District as related to representation.
  - The matter of purview is discussed in the Government Code §3543.2: “. . . matters relating to wages, hours of employment, and other terms and conditions of employment.”
- Public Employment Relations Board (PERB)
  - The terms and conditions of employment are determined by the PERB, which is charged with administering the EERA and resolving disputes about the meaning or interpretation of that law.
  - PERB has compiled a list of cases addressing topics that fall within the scope of representation where the District is legally bound to negotiate with the bargaining agent

before they can implement any related plan, program, policy, etc. (See PERB List of topics: <https://perb.ca.gov/decisions/browse-by-topic/>).

- Cases of note that establish obligations within the PERB scope of representation:
  - District Obligation to Exclusive Agent: <https://perb.ca.gov/wp-content/uploads/decisionbank/decision-1073E.pdf>
  - District obligation to prevent matters within the Scope of Representation from being discussed in shared governance bodies or District hosted events: <https://perb.ca.gov/wp-content/uploads/decisionbank/decision-0582E.pdf>.
- PERB establishes that AFA has an obligation to confer with the Academic Senate
  - Overlapping Purview: Where AFA has an obligation to consult with Senate, (e.g., Evaluations, Faculty Service Area, etc.): <https://www.asccc.org/content/senate-and-union-relationship-understanding-their-roles-and-working-together>
  - AFA and Academic Senate need to determine a method by which conference can occur.
- There is such a large body of information, that mistakes are apt to happen. For example, subjects about class size or evaluations may come up in spontaneous conversation or placed on an agenda accidentally. When those mistakes occur, the "Pause Button" must be pushed and the conversation must be redirected to the bargaining agent. Any participant, whether a district administrator, manager, classified professional or faculty member may make this point.
  - If it is a matter within the scope of representation, it doesn't belong in a shared governance meeting, until the matter has been negotiated and settled.
  - When in doubt, call your Union representatives.
- Academic Senate and District Administration roles in College Governance
  - The District Administration is the legal agent of the Board of Trustees (BOT). Administrators have wide-ranging authority to implement the will of the BOT (e.g., declare or end a state of emergency, permit or prohibit use of facilities, etc.), while the District has a legal obligation to follow BOT policy (See Contract [Article 2.01 Board Rights](#)).
  - Shared/Participatory Governance bodies are:
    - Designed to advise Administration who then provide recommendations directly to the BOT
    - Primarily address matters that are of general concern to the College operations as a whole
    - Have an obligation to give meaningful voice to Faculty, Students, and Classified Professionals.
  - The Administration and the Academic Senate are the only two bodies that make recommendations directly to the Board that have a legally binding force.
  - Academic Senate:
    - Senate Committees Report to the Senate. Senate then deliberates and makes recommendations to the Board of Trustees
      - Senate committees may include District Administrators or Managers as Relevant to Charge - on this campus there is a common practice of including a co-chair from management on committees, but this is not required.
    - Has a specified legal standing to make recommendations to BOT
    - Advises the BOT on matters within 10+1
      - AB1725 establishes "...the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards."
      - BOT must "Primarily Rely On" or "Mutually Agree" with Academic Senate on matters within 10+1.
    - Has an obligation to give meaningful voice to Students on matters within 9+1
    - Has an obligation to give meaningful voice to, or benefit from expertise of, Classified Professionals – these roles are not as clear as 9+1 or 10+1 because they are not delineated by law.
  - In areas where 9+1 overlaps with 10+1, student voices should be heard. AFA is hoping to devise an equitable method to bring forth student voices.

- Questions & Comments

- Q: Can you speak to how 9+1 is similar or different to 10+1?

⇒ A: Yes, the Academic Senate has a much stronger legal standing. The Academic Senate has a legal right and responsibility to directly recommend to the BOT on matters within the 10+1. The BOT is legally bound to rely primarily on the Senate's view on matters of academic or faculty professional criteria, or to make neutral agreement with the Senate. If the BOT doesn't follow the recommendations, they must give a written account for their departure. The law recognizes that the faculty have a preeminent role in governance due to their expertise. It also recognizes the importance of listening to the classified staff and students, but these groups do not have the legal standing of the faculty on matters within the 10+1. When it comes to terms of employment, SEIU has every right that AFA has in representing its members. This, for example, restricts faculty from discussing classified workload in a multi-constituent body without SEIU first negotiating those matters within the scope of representation.

- Q: How can we engage with this when we are participating on committees or in meetings? Reminders and examples would be helpful. Every member should be aware of this and be informed to help prevent future issues.

⇒ A: AFA has a form that highlights the things one should be aware of while working on a committee. One might encounter gray areas in their day-to-day work, and the general guideline is anytime there is mention of compensation, job duties, or other impacts on working conditions, AFA should be involved.

Some examples can be found in the work of the Chief Negotiator, specifically addressing working conditions that result from the special assignments that the District establishes (e.g., Professional Development Coordinators, Native American Center Coordinator, Ethnic Studies Department Chair and Advisory Committee, Queer Resource Center Coordinator, etc.). Addressing these working conditions through negotiations ensure equitable working conditions for our faculty.

- A member agreed there needs to be more coordination between AFA and the Senate. They proposed coordinated meetings, every semester or every other month, to discuss purview and agendas in an effort to promote healthy collaboration.

⇒ A: Yes, this will foster good working conditions with collaborative process resulting in a great working relationship among all faculty from each governing body, an example of which can be seen in the efforts of colleagues at Santa Monica College.

## OTHER REPORTS

**1. President's Report.** This report was tabled due to time constraints.

**2. Treasurer's Report: November & December 2021, January 2022.**

Kat reported briefly on the following items:

- Nov/Dec '21:

- *Revenue*

- *Dues:* The YTD dues received from Contract members were equal to just over half of the annual projected totals.

- *Expenses*
  - *Equipment Purchase*: The expense is for a new computer for the office staff. The expense appears in Nov/Dec and Jan because of a return due to shipping delay, and subsequent re-purchase of a computer locally obtained.
  - *Payroll* - As anticipated for the office staff.
  - *Professional Dues* - The annual CCCI membership dues were paid.
  - *Professional Fees: Legal* - There is a small legal fee for the month of November.
  - *Reassigned Time* - There is a large expense for RAT because it is paid to the College at the end of each semester.
  - *Taxes: Payroll Employer Contributions* - AFA paid taxes related to employing staff.
- Jan '22:
  - *Revenue*
    - *Dues*: The YTD dues received from Associate members were equal to about half of the annual projected totals.
  - *Expenses*
    - *Equipment: Purchase* - The expense is for the second computer purchase for the office staff. The next report will show the return of the first purchase.
    - *Insurance: General Liability* - Insurance payment made to cover any liabilities occurring at the AFA house. Due to COVID-19, there was a large rebate for not using the facility.
    - *Payroll* - As anticipated for staff
    - *Professional Fees: Legal* - There is a small legal fee for the month.

Sean concluded the meeting by thanking those who attended, Kat for her report and the office staff for their work.

The meeting was adjourned at 4:59 p.m.

Minutes submitted by Stephanie Simons.