



santa rosa junior college

All Faculty Association

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

**EXECUTIVE COUNCIL MEETING MINUTES**

February 8, 2023

*(Approved with corrections by Executive Council on February 22, 2023)*

Executive Councilors present (noted by \*):

- |                                 |                           |                   |                         |
|---------------------------------|---------------------------|-------------------|-------------------------|
| * Sean Martin, <i>presiding</i> | * Brenda Flyswithawks     | * Salvador Rico   | Kat Valenzuela          |
| * Ashley Arnold                 | * Erica Lohne             | * Emily Schmidt   | * Michelle van Aalst    |
| * Leticia Contreras             | * Steven Kessler          | * Ivan Tircuit    | Ethan Wilde             |
| * Anne Donegan                  | * Siobhan McGregor-Gordon | Dawn Urista       | <i>vacant associate</i> |
| * Wayne Downey                  | Venona Orr                | * Carlos Valencia |                         |

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

Staff members present: Stephanie Simons

The meeting was called to order at 3:02 p.m. in Doyle 4520, on the Santa Rosa campus and via Zoom conferencing.

**CLOSED SESSION REPORTS**

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

Closed Session adjourned at 3:56 p.m.

**OPEN SESSION**

Open Session reconvened at 4:00 p.m.

**MEMBER CONCERNS WITHIN AFA’S PURVIEW**

1. **Single tier faculty model.** A Council member read from a statement submitted by member Dierdre Frontczak. The statement reported that FACCC held its annual statewide Policy Forum. The theme for this year's event was *The Vancouver Model: Shifting to a One-Tier Faculty System*. This means that all faculty (contract and associate) would be paid on a single, unified tier, in proportion to their course load, years of experience, and degree credentials in their field. In California, this would mean the removal of certain Ed Code provisions (e.g., the PT teaching cap) as well as substantial statewide funding allocated to support community colleges in shifting to an equal compensation structure for all faculty. It might also include District-level changes such as modifications to the hiring and reappointment processes.

The event featured breakout sessions to thoroughly explore advantages, obstacles and possible next steps. Report-outs from these sessions will be posted on the FACCC website in coming weeks. Slides from the presentation are already available under the subsection *The Two-Tier System: Strategizing for Change* at <https://www.faccc.org/past-events>. The member encourages AFA members to review the reports/slides and send any thoughts to Dierdre Frontczak: [DFrontczak@santarosa.edu](mailto:DFrontczak@santarosa.edu).

2. **DRD update.** Most students coming to DRD bring medical verification for services. Learning Disability (LD) testing is mandated at the high school level, but not at the community college level. SRJC has deemed the LD testing to be valuable, and does LD testing when a student cannot otherwise qualify for services. Currently, a specialist is working with students and providing temporary services while assisting them with getting the necessary verification. DRD consults with students who think they may have disabilities sharing next steps and strategies for academic success, and DRD is able to

consult with faculty to share tips on working with students with disabilities. Please reach out to DRD with referrals or concerns.

## MINUTES

A motion was made and seconded to approve the minutes, as corrected, from the January 25, 2023 Executive Council meeting (15 in favor, 0 opposed, 0 abstentions). (Approved minutes are posted at <http://www.afa-srjc.org/minutes.shtml>).

## DISCUSSION ITEMS

### 1. One-semester Associate Councilor Vacancy, Spring 23

- Sean explained that there is a one-semester associate Councilor vacancy. The nomination period was opened on January 19. Nominations may be referred to AFA office.

### 2. AFA Retreat

- Sean explained that the retreat will include attendance at the "Collegiality in Action" Session
- Presenters hail from the Community College League of California (League), ASCCC and CCCI.
- AFA's attorney will be present to support the union's position and will help AFA prepare for this event.
- The session is designed to help all faculty constituent groups: administration, Board of Trustees, Academic Senate Executive Committee, and the AFA Council.
- The presentation will explain purview of the District, Academic Senate and AFA within college governance processes with a possible discussion of the issue of overlapping purview.
- Questions & Discussion

C. A Councilor expressed thanks for including legal counsel. The Councilor asked who will facilitate the discussion.

⇒ A. This is a service provided by the ASCCC, and the presenters from the League and CCCI will also facilitate.

Q. Will it be recorded?

⇒ The presentation is not intended for the broader public. Students and the Classified Senate are not participating. The presentation is intended to relieve conflict between faculty groups so all groups understand their respective areas of purview.

Q. Who requested this presentation?

A. It was requested by a group other than AFA. AFA has previously participated in a similar forum, but this is a renewed effort to align all faculty governing bodies within the college. Purview is not widely understood by the various governing bodies on campus. AFA's attorneys suggested AFA participate as it is an opportunity to ameliorate conflicts and move forward as a more cohesive unit.

C. I am thankful that our legal counsel is involved. I am unnecessarily pedantic about word usage. Here word usage might be important especially in regard to "collegial," which means to share responsibilities with colleagues, but we can be unpleasant and still share responsibilities. But the word "congenial" means to be pleasant. Dr. Chong's email is more about congeniality not collegiality. There is a need to keep the two separate. It would be really nice if we can be congenial – this is a working condition, but so is being collegial and there needs to be addressed going forward.

### 3. Recap and Discussion on AFA Elections 01.25.23

- Sean read the following statement:

My purpose in this statement is to provide an account of mistakes that were made during the elections in our January 25<sup>th</sup> Executive Council meeting; to accept responsibility for my own part in allowing such mistakes to occur; and to provide some direction on how to remedy those errors and restore our organization to proper order.

At the meeting on January 25<sup>th</sup>, a winner was announced in the election for Conciliation/Grievance Officer, but that announcement was not in compliance with AFA's election policy. Our election policy states that "Should no candidate receive a majority, a runoff election between the two candidates who received the two greatest vote counts shall be conducted immediately." The definition of the term, "majority," in the policy is made clear by its juxtaposition with the term "plurality" used elsewhere in the same policy. That is, unlike a plurality, where the candidate with the most votes wins, a majority requires that a candidate receive more than 50% of the total vote.

In the Conciliation/Grievance Officer election, one candidate received 7 votes, while each of the other two candidates received 5 votes. That is, no candidate received a majority of the votes, nor were there two candidates who received the highest number of votes. According to our policy, we should

have initiated a runoff election immediately following the results of the initial election, but we failed to do so.

In correcting that error, the council will need to, at the earliest opportunity, conduct a runoff election for the Conciliation/Grievance Officer. Since no error of policy had occurred prior to the improper declaration of a winner, the runoff for this position may only include nominees from the original election on January 25. The earliest possible date for this runoff is our next scheduled Executive Council meeting on February 22.

Because AFA allows for candidates to be nominated right up to the point of election, the mistake in the Conciliation/Grievance Officer election effectively nullifies each of the subsequent elections. Whether, and to what degree, that effect may have altered the intentions or actions of either nominees or voters cannot be known. As a result, we need to hold a new election for each of the following positions: Vice President of Outreach and Membership, Secretary-Treasurer, TREG Negotiator, Data Analyst Negotiator, and potentially, the At-Large Negotiators.

The At-Large Negotiator elections need only be re-done if an associate faculty member wins either the TREG or the Data Analyst position. The Associate Representative to the Cabinet election will not need to be re-done, since none of the CGO candidates qualify to run for this position.

The AFA Cabinet is committed to transparency in each step of our effort to correct the aforementioned errors. There were missed opportunities to prevent, and later, recognize that an error had occurred. As President of this organization, I freely acknowledge my own fault, along with my special responsibility, in failing to ensure our proceedings adhered to policy. For my own part, I humbly offer my apology to each of the candidates who have been harmed by the botched election, and also to this Executive Council for any additional time and effort needed to restore order. I further pledge to work closely with the Cabinet and the Executive Council to remedy these errors and thereby, hopefully, regain confidence of our members.

As one part of this effort, and in order to ensure such an error does not reoccur, the Cabinet will appoint a workgroup to, 1) review AFA's election policy, recommending needed changes, and 2) to recommend any necessary procedural changes. Any such recommendations regarding policy or procedure will be brought to the full Council for discussion and approval by a 2/3 vote.

- Sean committed that future agendas will have less discussion items to promote meaningful dialogue. He will seek assistance in facilitating the more complex meetings. He will seek reform of practice and policy with the hope that as a group there can be developed a better policy that prevents future issues.
- Questions & Comments
  - C. A Councilor commented they appreciate the message shared and that AFA will move forward.
  - C. A Councilor commented with agreement and suggested the silver lining from the error is that a subgroup will be formed because it offers an opportunity to review current policies.
  - C. A Councilor commented that they felt with some certainty the error was not intentional. They appreciated AFA leadership taking responsibility. They stated this situation presents an opportunity to be a better organization.
  - C. A Council member commented that they believe the error was not intentional.
  - Q. A member questioned the Councilor, asking if the Councilor was certain of their belief that the error was unintentional.
    - ⇒ A. The Council member reiterated they felt certain the error was not intentional.
  - Q: The member commented that if some Council members agree this case was an honest mistake, the member believes everyone involved is probably in agreement that it was an honest mistake. The member then questioned if AFA punishes its members if they make a mistake, and asked if there was a policy addressing punishment.
    - ⇒ A: Sean commented that AFA was not addressing accusations. AFA was discussing how the situation can be fixed going forward.

## OTHER REPORTS

### 1. President's Report.

- Shared/participatory governance at College Council has been undertaken at the direction of President Chong.
  - Participatory governance is the term that is in vogue now

- Some initial guiding principles:
  - Develop a more clear and coherent system of participatory governance
  - Reduce redundancy/conflict
  - Reduce workload and expense
    - It is hard to include the faculty voice when they are already overburdened.
  - Ensure inclusion (e.g. according to AS 10+1, student 9+1, etc)
  - Purview and participatory governance. Participatory governance matters are within the purview of the District. The District can create committees and these committees provide recommendations and advice to the college President.
  - Adherence to the law. Some groups on campus have created cultures and practices where they encroach on purview of other groups.
- College Council Process. The Academic Senate appoints three members, including the Academic Senate President. Turnover in the Academic Senate can cause dramatic changes in how College Council functions. Following the most recent change in membership on College Council, much of the work from the preceding two years was set aside.
- Clarity regarding committee identity and function.
  - Establish the committee's place within the structure of the college (Academic Senate, participatory governance, collective bargaining).
- Work Products. Committees are surveyed regarding the work it produced (e.g. recommendations made and to whom).
- Composition. Addresses the balance of membership from various constituencies. The composition of each committee should reflect the charge of the committee. When necessary, the committee may invite individuals with relevant expertise so as to provide adequate advice to the president.
- Representing rights of the exclusive bargaining agent in participatory governance. When matters within the scope of representation and matters of participatory governance overlap, the exclusive bargaining rights of the Union take precedence. The District comes to AFA first, then follows up with its responsibilities under 10+1, etc.
- Ensuring the District representatives understand and uphold the rights of the exclusive bargaining agents. If there is a District representative on a committee who fails to uphold the rights of the exclusive bargaining agent, it becomes a problem for the District. When a matter within the mandatory scope of representation arises, the District must direct the faculty member or classified professionals to their respective exclusive bargaining agent. Allowing the continuance of the discussion is a violation of the Union's collective bargaining rights.
- NBJwJ Justice Strategy meeting. Thanks to Anne and Steven who participated on behalf of AFA. The meeting celebrated the victories of NBJwJ in 2022, and announced their plan for action in 2023. NBJwJ made progress for farm workers through language justice on safety and hazard information. NBJwJ supported the health care worker strikes at Kaiser Permanente. Anyone who wishes to participate is encouraged to reach out to AFA for further information.
- Presidential Screening Committee. AFA appointed Brenda Flyswithhawks and Sean Martin as representatives to the screening committee. The process has been very collegial. Interview questions were developed at the first meeting. Screening criteria was developed at the second meeting.
- Thanks to long-time AFA Friends.
  - Sean expressed gratitude to Dierdre Frontczak and Claire Drucker. Both persons are long-time participants of AFA. Dierdre Frontczak continues to do a lot of work at FACCC. Claire Drucker has been a long-time champion of associate faculty. Their presence and contributions will be missed.
  - Carol Valencia's contributions to AFA are to be celebrated. AFA has thrived with her dedication through the years.

Q. A Councilor asked if it is within purview of a college President to oversee committees, focus groups, or any substantive body that collects information to see conflicts don't take place.

A. Yes. As noted earlier, the purpose of shared or participatory governance is to provide recommendations to the President as the liaison to the Board of Trustees. The President can also create their own ad hoc advisory committees spontaneously as needed. The same applies for AFA in regard to policy corrections, et cetera. The President, in assigning the task of restructuring SRJC's shared governance system, was yielding his authority to the College Council. However, it's important to note that the President cannot form or use committees for the purpose of bypassing the District's responsibilities under the EERA to address matters within the scope of representation only with the Exclusive Bargaining Agent (i.e. AFA). This is also true of all other governance bodies at the college.

Shared governance committees provide recommendations to the President who then reports to the Board of Trustees. The college President reports to the Board directly relying, where appropriate, on recommendations from shared governance committees. Senate Committees report to the Academic Senate which then provides recommendations directly to the Board of Trustees. But none of these groups can provide recommendations on matters within the scope of representation. All issues that arise within the scope of representation must be addressed at the table between AFA and the District negotiations team.

Q. A Councilor asked in regard to the meeting on Friday, will the District's attorney be present? The presence of the District's attorney at the town hall two years ago was very helpful.

A. That is unknown. It was agreed that town hall with Laura Shulkin was productive. The Bermuda Triangle document created by the District's legal counsel in preparation for that meeting was helpful.

Q. A Councilor requested that the Bermuda Triangle document and a link to the town hall be shared.

A. If the document and event are shareable, AFA will post them to the website.

## **2. Treasurer's Report: October – December 2022.**

- Leticia presented the Treasurer's Reports for Quarter 4 of 2022.
- Income
  - Associate dues are down. 303 associates contributed dues during Q4 of 2021 versus 260 associates contributing during Q4 of 2022. The 43-associate-difference equates to approximately a 14% change. This much change is worrisome. The number represents the number of associates who did not receive/take a paid assignment last semester. The belief is the organization may be being impacted financially by how associates are being treated.
  - Contract dues slightly exceeded budgeted amounts for the year.
- Expenses
  - Donations were made to NBJwJ, friends of city college and UAW. The donations slightly exceeded budgeted amounts, so other areas of the budget were adjusted to cover this increased expense.
- Worker's Compensation insurance rate was slightly increased with two employees but is expected to decrease going forward with only one employee on payroll.
- Legal fees. There is a continued need for legal consultation. The budgeted amount will be monitored as year progresses.

The meeting was adjourned at 4:57 p.m.

Minutes submitted by Stephanie Simons.