

**ALL FACULTY ASSOCIATION
EXECUTIVE COUNCIL
MEETING MINUTES**

November 30, 2005

(Approved by Council 12/14/05)

Executive Council members present (noted by *):

* Janet McCulloch, <i>presiding</i>	Cheryl Dunn	* Johanna James	Greg Sheldon
* Alix Alixopulos	Jim Elrod	* Michael Ludder	* Deborah Sweitzer
* Ted Crowell	* Peggy Goebel	* Joel Neuberg	* Doris Tolks
John Daly	* Ann Herbst	* Andrea Proehl	* Linda Weiss

Also present: Phil Forester, Michael Kaufmann, Judith Bernstein.

The meeting was called to order at 3:10 p.m.

MEMBER CONCERNS

There were no member concerns.

MINUTES

The minutes from the November 23, 2005 meeting were not available for review.

DISCUSSION ITEMS

1. CPFA Proposal to Increase Adjunct Faculty Load Limit to 80%. The California Part-Time Faculty Association (CPFA) is asking the legislation to change the limit on adjunct load everywhere it appears in the California Education Code from 60% to 80%. CPFA's motivation is to improve the situation for "freeway flyers," who would only have to work in two districts, instead of three or more, thereby spending less time driving and more time serving students. Since the Faculty Association of California Community Colleges (FACCC) Board of Governors will be making a decision as to whether or not they want to support this proposal, they would like to know what faculty think about the idea. Lengthy discussion followed and included these comments: 1) the proposal is problematic, as it would only affect a small portion of faculty and would not change the structure of pay and benefits for those faculty; 2) there would be a greater potential for abuse — not only wouldn't there be equal pay or benefits, but there would be an expectation about 80%-ers participating in the work of the District — without pay; 3) the notion of temporary faculty member erodes when one gets to the 80% level — it becomes one's primary job, yet one has second class citizenship; 4) the lack of benefits is not pre-ordained (CSU and UC offer them to part-time faculty) — benefits are negotiated locally, and providing for 80% load would create more pressure to negotiate; 5) there are concerns about how the 80%-ers would be chosen and who would decide; 6) one potential consequence might be that districts would hire more part-timers and create fewer full-time positions; 7) the California Community College Independents (CCCI) does not want to give up on equal pay and benefits for adjunct faculty; 8) the proposal doesn't address the like load guarantee, and thus, doesn't offer that protection to adjunct faculty. At the beginning of the discussion, it was suggested that AFA present a one or two-question survey to adjunct faculty members; however, by the end

of the discussion, no one was in favor of the idea. In response to the suggestion that AFA publish a discussion of the pros and cons, and consequences, of this proposed change in the AFA Dialogue, Janet said that she would draft an article.

2. **Due Process for Adjunct Faculty.** This issue was first raised during a member concern at the November 23 Council meeting, when it was suggested that the Ed Code should provide more protection for adjunct faculty who are facing termination of their employment. Michael L. suggested that the section of the Ed Code that permits Districts to terminate adjunct faculty at will/without cause be deleted and that it should also be collectively bargained to offer some type of “for cause” and grievance process that would be similar to but less complicated than the process for full-time faculty. Lengthy discussion included the following comments: 1) no one is better off knowing the cause of a dismissal — listing the causes could be embarrassing to the faculty member; 2) the grievance process, leading to arbitration as opposed to an administrative law judge, would be one alternative way to determine the cause of dismissal; however, the Ed Code would have to enable that to happen; 3) the fundamental concept, as embodied in the Ed Code, is that adjunct faculty are temporary employees — everything derives from that; if the term of employment is a semester or the length of a class, the concern could be drawn into such a lengthy procedure that it would far outrun the time of the employment; 4) the problem could be remedied, without a change to the Ed Code, by amending the grievance article through mutual agreement with the District; 5) no matter what the Contract says, it does not impinge upon Ed Code clauses; even if a faculty member prevailed, the District would have no obligation to rehire and AFA would have no ability to compel the District to rehire; 6) the Ed Code defines adjunct employment as short-term employment and does not require the District to cite a reason not to rehire; unless both clauses in the Ed Code were to be changed, there would only be a modest benefit; 7) the like-load clause in the Contract is not strictly in keeping with the Ed Code, because it implies that an adjunct faculty member has a right to a like load; similarly, as long as there is no conflict that results in the breaking of a law, the Contract could be used to define the terms of reference for dismissal; 8) it might be better to formulate this process as a Board policy, with a set of well-defined procedures to be followed (similar to the way that the Mental Incapacity Policy was handled); 9) this process should be changed at the State level and a letter recommending a change should be sent to FACCC, chairs of the educational committees in both houses, and local legislators; 10) it would be good if the Board extended the courtesy for a faculty member facing termination to address them in closed session; and 11) AFA could begin to identify areas of concern and structure a procedure or process to address them; one place to start would be to request that the District notify AFA of any impending terminations/dismissals; a second would be to provide the faculty member (and a representative, if desired) with an opportunity to meet with the president. Janet said that the Negotiations Team would work on these two suggestions. Michael L. volunteered to draft a letter to FACCC for Council review.
3. **Requiring Training for Faculty Assignments.** Phil phrased the topic in this way: what kind of training falls into the category of necessary self-training that qualifies one for teaching a class, as opposed to the category of training that is mandated in order for one to perform one’s job? This issue arises out of a situation involving an adjunct instructor who took an assignment to teach an on-line class, knowing that some training would be needed, but not fully understanding the extent of the training. The instructor came to AFA seeking information about training opportunities and compensation for training time. Brief discussion focused on the nature of the offer and whether or not an alternative course was available. Lengthy discussion included the following comments: 1) this issue ties into the Faculty Technology Training Fund (FTTF), which will pay \$500-\$600 for a faculty member to take a training workshop; yet, if someone volunteers

to teach themselves the same skills and only asks to be compensated for his/her time at a much lower cost, there is no mechanism for supporting that; 2) the enhanced hourly salary schedules pay for “normal” preparation time, but what constitutes “extraordinary” preparation time? The problem is acute in on-line category (e.g., it takes twice the amount of time to develop a syllabus for an on-line course as compared to a lecture course); 3) the Vice President of Academic Affairs (VPAA) is interested in funding on-line training through FTTF; 4) there is an incentive for the District to find a way to give stipends to faculty to develop on-line courses, as they recognize the need for the College to offer more on-line classes; 5) the terms of reference for on-line education are unclear — the qualifications should be defined, and until an instructor has done the training, s/he should not be deemed qualified and should not be offered the opportunity to teach an on-line class; 6) if one wants to become qualified, one takes the training; if the District wants an instructor to become qualified, they should participate by paying for the training; 7) having on-line education skills is of a different order than having traditional classroom skills; 8) compensating faculty for their time and providing additional pay for developing additional materials opens up other issues related to intellectual property rights, in which the college has partial ownership of materials that have been supported by the District funding; 9) Spring 2006 enrollments are down; yet, for example, an on-line section of computer programming is almost full, whereas two classroom sections have very few students enrolled; 10) perhaps on-line instruction falls into the category of special expertise, and departments should be asked to identify on-line courses in their Article 16 procedures; on the other hand, special expertise was originally conceived of as applicable to subject matter, not technical matters; 11) District-wide procedures and guidelines are needed and should be established, so that everyone will be treated the same; 12) District-wide procedures could be used as a baseline and individual departments could then further define additional guidelines, as needed; and 13) there should be some focus on offering training and techniques for on-line education to current faculty, to ensure protection of existing jobs. Janet clarified that these issues will ultimately become part of negotiations.

MAIN REPORTS

1. Treasurer’s Report. There were no questions about the Treasurer’s Report, which covered the period of July through September 2005. The Council unanimously approved the report (13 in favor, 0 opposed, 0 abstentions). Regarding the pending discussion about the assessment of dues and fees on regular faculty overload earnings, Janet clarified that AFA officers and staff have requested and are waiting for Spring, Summer and Fall 2005 data from the Payroll Department. (Due to the difficulty in distinguishing between “C-load” and overload, it was not possible to generate this data in-house.)

SENATE/COUNCIL/COMMITTEE REPORTS

1. Academic Senate Report. Questions about the newly revised student absence policy were raised. It was clarified that neither illness nor a death in the family are considered to be legally excusable absences, and that the policy is permissive in terms of faculty members dropping students as a consequence of excessive unexcused absences. It was mentioned that an instructor would have a stronger position with regards to dropping a student if the class syllabus were to include student attendance expectations and standards, as long as the standards do not conflict with federal or state law. Council members were encouraged to review the full policy.

2. **Calendar Committee.** Janet reported on her discussions with various members of the Calendar Committee. Diane Traversi is rewriting this committee's description. AFA will take future drafts of the academic calendar to the various constituent groups, and then on to negotiations with the District. The question of whether or not SRJC's spring break should mirror the spring break in the recently revised Santa Rosa City Schools calendar proved to be a contentious issue. Kimberlee Messina, Academic Senate President, Mary Kay Rudolph, VPAA, and Janet will be going to a Calendar Committee meeting in January to discuss the calendar formation process. Diane Traversi will be working on the next draft of the 2007-08 academic calendar, and will bring it to AFA.
3. **Health Benefits.** Janet encouraged Council members to come the meeting with Linda Pierce, a health benefits consultant, on Monday, December 5, at 9:30 a.m., in the Oak Room.
4. **Administration Restructuring.** In response to a question, Janet said that the Academic Affairs Council met for four hours to work on this task. The Negotiations Team received a follow-up report from the VPAA; however, there was not enough information or clarity to determine if any progress has been made. Deborah reported that the Negotiations Team presented to the District AFA's concern about departments that do not have faculty chairs. Janet added that the Team made it clear that a lot of problems come from departments in which faculty members do not have someone advocating for them. Following a comment about the fact that deans are allowed to choose their own evaluation teams, Janet said that the Team would follow-up with the District about that policy.

The meeting was adjourned at 4:30 p.m.

Minutes submitted by Judith Bernstein.