

**ALL FACULTY ASSOCIATION  
EXECUTIVE COUNCIL  
SPECIAL MEETING MINUTES**

October 29, 2008

*(Approved by the Executive Council on November 12, 2008)*

Executive Council members present (noted by \*):

*Warren Ruud, presiding	John Daly	Joyce Johnson	*Dan Munton
*Alix Alixopoulos	*Cheryl Dunn	*Michael Kaufmann	*Andrea Proehl
*Lara Branen-Ahumada	*Lynn Harenberg-Miller	*Reneé Lo Pilato	Greg Sheldon
*Paula Burks	*Johanna James	*Michael Meese	*Mike Starkey

*Vacancies: Two Regular Faculty Seats: terms expire August 2010  
One Adjunct Faculty Seat: term expires August 2009*

Officers/Negotiators present: Ted Crowell, Janet McCulloch;  
Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:02 p.m.

**MAIN REPORTS**

1. Conciliation/Grievance Report. This report was conducted in closed session.

**MEMBER CONCERNS**

1. Smoking on Campus. In a follow-up to a member concern from a prior Council meeting, Andrea Proehl reported that she has observed Campus Police enforcing the District's No-Smoking Policy near Doyle Library.
2. Selling Instructor's Materials to Students. Michael Starkey requested clarification about the District's policy re: instructors selling materials for profit to students through the SRJC bookstore. Janet McCulloch said that there is case law all the way up to the Supreme Court that prohibits that practice and she added that, under the State Ed. Code, an instructor would have to engage in a specifically prescribed process if s/he wished to charge students for materials above cost. Warren Ruud added that it is the District's (department chairs, supervising administrators, and Vice Presidents) responsibility to enforce this policy. The Copy Center is obliged to abide by strict copyright regulations, as is the Bookstore. Instructors are permitted to have their materials printed as readers at the Copy Center, and then sell them at cost through the bookstore to students. Michael also requested clarification about who owns instructor's materials if they are posted on the District's online server. Johanna James noted that the District's intellectual property rights policy spells out who owns materials based on how the materials were developed and who paid for their development. Janet recommended that concerns about this matter be referred to the Educational Policy and Practices Committee. From there, the matter would go to College Council and then, if appropriate, it would come to AFA for discussion about revising the Contract through negotiations. Warren suggested that, to be fair, an instructor's course materials should be considered her/his intellectual property until s/he receives compensation

for them. He suggested that concerns about excessive profits from the sale of SRJC instructors' materials through the Bookstore be brought to the attention of the Associated Students or Robert Ethington, Director of Student Affairs, as that issue does not fall within AFA's purview.

3. IRC 125 Plan. Michael Starkey questioned whether there was any way for AFA to help an adjunct faculty member who signed up for the District's IRC 125 plan under the mistaken impression that premium payments for a non-District medical insurance plan would qualify for reimbursement under the plan (they do not). This individual, who has worked for the College for over eight years, is now out of pocket many thousands of dollars, with no apparent recourse. Janet McCulloch clarified that the IRC 125 plan is subject to federal regulations and that is why, unfortunately, neither AFA nor the District can do anything to rectify the situation for the faculty member. It was noted that the plan guidelines are clearly spelled out in the packet of materials that is distributed to faculty along with the form at the time of signup. Also, participants in the plan need to pay close attention to the statements that Shirrell Consulting Services, the plan administrator, sends out on a quarterly basis.

### **ACTION ITEMS**

1. Appointment of Second AFA Representative to Professional Development Committee (PDC). Following a motion made by Mike Meese and seconded by Dan Munton, the Council unanimously voted to confirm the appointment of Carmen Sheldon, regular faculty in the Applied Graphics program in the Computer & Information Sciences Department, to serve as AFA's second representative to the PDC (12 in favor, 0 opposed, 0 abstentions).

### **DISCUSSION ITEMS**

1. Overview of Interest-Based Bargaining (IBB). Janet McCulloch shared with the Council a PowerPoint presentation that was prepared and used by a consultant in a training workshop for AFA and District negotiators several years ago. The presentation covered the basic principles and process of IBB, the tools for building effective relationships, and how to negotiate economic matters. It also included many slides that delved in depth into the five critical mistakes of negotiators: lack of proper preparation; taking inflexible positions; failure to go beneath proposals; failure to establish yourself as trustworthy; and making it personal. Janet elaborated on each of these five mistakes with specific examples taken from her experience serving on the AFA Negotiations Team. She said that AFA and the District do not engage in adversarial negotiations, and characterized the difference between IBB and other forms of negotiations as being about coming up with solutions as opposed to winning and losing. She mentioned that, as part of the IBB training, the AFA and District negotiators jointly developed and committed to specific ground rules to be followed in negotiations, and that these rules are to be brought up again when problems arise. It's important in negotiations to be proactive and deliberate, rather than reactive. Janet concluded by saying that AFA is always looking to achieve a fair and balanced agreement in the end.
2. Review of Article 16: Hourly Assignments. Janet McCulloch asked Council members if, in their review of Article 16 prior to the meeting, they found any provisions that they thought needed further clarification, expansion or revision. Several sections were identified,

including 1) paragraph 16.04.C.1.c, which deals with the loss of a like load pattern due to either low enrollment or “bumping” by a regular faculty member; 2) paragraph 16.04.C.1.d, which deals with assignments for faculty who had no assignment in the previous like semester; 3) paragraph 16.04.E.2, which talks about the timing and method of providing formal notification to faculty regarding the offer of an assignment. Council members engaged in extensive discussion about the various ways in which they found these sections to be problematic. In addition, other questions were raised about issues that are either not addressed in Article 16 or need further clarification, such as how summer session assignments ought to be handled, how “restricted” classes should be treated, how the “sign-up” process that some departments use should be addressed; whether too much latitude and flexibility is given to departments in designing their procedures; and how to make sure that departments implement and follow their procedures once they have been approved. An observation that was mentioned frequently throughout the discussion was that whenever there is not enough load to go around, there is an increase in problems related to Article 16. At the conclusion of the discussion, Warren informed Council members that the AFA Article 16 Committee would shortly begin its review of the latest Hourly Assignment Procedures that departments have recently submitted to Academic Affairs. Dr. Mary Kay Rudolph, the Vice President of Academic Affairs, has approved a number of these updated departmental procedures, and now it is up to AFA to review them to make sure they are in compliance with the Contract. Warren asked if anyone else would like to join committee members in their review. After Mike Meese volunteered to help and several other Council members indicated an interest, Warren said that he would make the documents available online to the entire Council via e-mail.

3. Writing Interest Statements. Janet McCulloch distributed a handout that listed eight different items to be considered when developing an interest statement for negotiations. (For example: Who is affected by the problem? Who could be affected by the solution? What are the underlying motivations for what we want — goals, needs, desires and concerns?) She said that interest statements basically answer the question, “Why?” Using the 2009-10 academic calendar as an example, Janet gave the Council a brief demonstration of how one develops an interest statement (i.e., she captured the interests of all the people involved and explained why each group is advocating for a particular option). She also said that Interest-Based Bargaining is about trying to avoid problems for faculty and the District by clarifying or changing provisions in the Contract that aren’t working. Janet noted that there is always a tension when developing contract language between being too prescriptive on the one hand and not being clear enough or giving people enough guidance on the other hand. Council members spent the remainder of the meeting crafting interest statements relative to Article 16 (for future negotiations), which were then shared with the group.
4. Overview of Negotiations Process. Due to time constraints, this item was postponed until the next meeting.

The meeting was adjourned at 4:50 p.m.

Minutes submitted by Judith Bernstein.