

AFA EXECUTIVE COUNCIL MEETING MINUTES

January 26, 2011

(Approved by the Executive Council on February 9, 2011)

Executive Councilors present (noted by *):

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|--------------------------------|--------------------------|------------------------|-----------------|
| *Warren Ruud, <i>presiding</i> | *John Daly | *Lynn Harenberg-Miller | *Audrey Spall |
| *Alix Alixopulos | *Dianne Davis | *Reneé Lo Pilato | *Mike Starkey |
| *Paulette Bell | *Cheryl Dunn | *Michael Ludder | *Julie Thompson |
| *Lara Branen-Ahumada | *Brenda Flyswithawks | *Sean Martin | Jack Wegman |
| *Paula Burks | *Karen Frindell Teuscher | *Dan Munton | |

Officers/Negotiators present: Ann Herbst
Faculty present: Ted Crowell, André Larue
Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:00 p.m. in the Doyle Library, Room #4245 on the Santa Rosa campus.

PRESENTATION

Michael Gibson, of Gibson & Company, Inc. C.P.A., presented an overview of two audit reports that his firm prepared for the year ending June 30, 2010. The two reports are: (1) *Financial Statements* and (2) *Schedule of Unrestricted General Operating Expenses and the Allocation of Expenses Between Chargeable and Non-Chargeable*. Each report includes a one-page *Independent Auditor's Report*. (Gibson & Co.'s annual audit reports are posted on the AFA Website at <http://www.santarosa.edu/afa/audits.shtml> .)

- **Financial Statement:** Mr. Gibson noted that AFA staff prepares the monthly income & expense statements (Treasurer's Reports) on a cash basis, and his firm prepares financial statements for AFA on an accrual basis, in accordance with generally accepted accounting standards. The *Financial Statement* presents a series of statements regarding (1) AFA's financial position, including assets and liabilities (restricted and unrestricted); (2) activities and changes in net assets; (3) cash flow; and (4) a schedule of expenses. Mr. Gibson stated that the 2009-10 *Financial Statement* is consistent with statements from prior years. In comparing the two most recent years, the only significant difference was that, in 2009-10, AFA showed a loss of \$37,000, while, in 2008-09, AFA showed a gain of \$35,000. A significant amount of this difference is due to the cyclical nature of expenditures. The *Financial Statement* also includes a "Summary of Significant Accounting Policies," which is a set of footnotes that tell the reader what principles were used in preparing the statement.
- **Schedule of Expenses:** The *Schedule of Unrestricted General Operating Expenses and the Allocation of Expenses Between Chargeable and Non-Chargeable* is used for Fair Share Service Fee payers. It includes a schedule of expenses, broken down into chargeable and nonchargeable, as well as footnotes and disclosures that describe how the fee payer percentage is calculated, how expenses are allocated, and the basis upon which an expense is designated as chargeable or nonchargeable. The chargeable percentage of AFA's expenses for 2009-10 was 97.76%. (As an example: if the fees were \$100, and a fee payer objected to

paying the nonchargeable percentage of the expenses, s/he would pay \$97.76 instead of \$100.) This chargeable rate is a little lower than the rate in prior years, because of the size of AFA's donation in 2009-10 to the Bridging the Doyle Scholarship Campaign (\$5,000). All donations are considered nonchargeable.

- The *Independent Auditor's Report* included in both reports presents a summary of the standards and procedures that Gibson & Co. used to perform the audit, and it states their professional opinion that the financial statements "present fairly, in all material respects" AFA's financial position as of June 30, 2010.
- Governance Letter: Mr. Gibson noted that he would provide AFA staff with an electronic copy of this letter, which accompanies the reports and is used to describe any significant auditing findings. These findings could include qualitative aspects of accounting practices, difficulties encountered in performing the audit, corrected or uncorrected misstatements, disagreements with management, and management consultations with other independent accountants. Mr. Gibson stated that his firm encountered no problems in the performance of the audit, and the 2009-10 governance letter includes no negative statements. Mr. Gibson thanked AFA staff for their cooperation during the audit, and commended them for the quality of their work and their attention to detail. The Council thanked Mr. Gibson for his services and his presentation.

MEMBER CONCERNS

1. AFA Supporter List: Departmental Communication. Sean Martin reported that members of his department approached him to register their concerns about a recent email that Sean sent to the faculty in his department. In his email, Sean informed the faculty about CFT's decertification attempt and efforts to replace AFA, and he offered to make himself available to anyone who had questions. Sean is a current member of the Executive Council, he will be department chair in Fall 2011, and he is currently responsible for developing the schedule of classes for his department. The concern was that a failure to join the list of AFA supporters might result in negative repercussions in the future. Brenda Flyswithawks commented that she had heard other faculty members express the same concern, and she acknowledged that the concern is a legitimate one.
2. AFA Supporter List: Identifying Faculty as Contract or Adjunct. Mike Starkey reported that a faculty member asked him how many of the faculty members on the AFA supporter list were adjunct and how many were contract. The faculty member also suggested that the names on the list be labeled as such. Warren said that this decision was up to the Council. Councilors engaged in a discussion and made the following comments: (1) The list of supporters on the CFT Website indicates contract or adjunct status; (2) If AFA represents ALL faculty, why is there a need to designate a classification? (3) Doing so continues to create a division and perpetuate the idea of "us" and "them"; (4) Some faculty identified themselves in their comments; but, if supporters merely hit "reply" and did not label themselves, would AFA staff need to contact each person to request permission to add a label? (5) Perhaps people are most interested in a total count. Rather than identifying individuals' status, it would be better to just provide the numbers. We're trying to heal the division; (6) There are more divisions than just adjunct and contract (e.g., faculty in the first five years, faculty in the last five years, Petaluma faculty, Santa Rosa faculty, etc.). Right now the only perceived division is the one about which people are talking the loudest. (7) It would be better not to keep a scoreboard; (8) What is the purpose of the list? Is it intended to provide some evidence that AFA is broadly supported by all aspects of the faculty, or is it intended to make a case for supporting AFA in the decertification effort? There is a difference between those two ideas in terms of whether it would be appropriate to identify individuals' status; (9) The list provides an additional tool of research. For example, often when voters receive a voter guide at home, instead of reading the arguments, they look at the names in support of the arguments. The idea of the list, and of indicating the department, is so faculty members can find someone they know and go talk to them; (10) The comments are important and probably the most persuasive element of the

list; and (11) Perhaps there could be a couple of introductory sentences, followed by a link—to the Faculty and Staff Directory, for example—so that those who are interested could look up the status themselves.

3. AFA Supporter List: List of Council Members. Michael Ludder expressed his opinion that the appearance of his name on the supporters' list as an Executive Council member and the implication that he is a supporter of AFA based upon his support of a resolution on the 20th anniversary of AFA is a "stretch." He said that everyone in the Council should have been asked whether they wanted their names on the supporter list, and that he was not asked. Warren clarified that Michael's name does not appear on the individual supporters list; rather, it appears on the list of Executive Council members. Warren also noted that Michael was elected to the Council and was present at the meeting when the Council, by unanimous voice vote, adopted the 20th anniversary resolution that reaffirms the importance of—and the Council's commitment to—an independent, locally run union.

MINUTES

There were no corrections or additions to the minutes from the December 8, 2010 Executive Council meeting, and they were accepted as submitted. (Approved minutes are posted on the AFA Web site at www.santarosa.edu/afa/minutes.shtml .)

ACTION ITEMS

1. Refreshments Budget for Adjunct Faculty Resumé & Interview Workshops. Warren reminded the Council that, at the last meeting, there was a discussion about the need for a concerted effort on the part of AFA to develop a program to assist adjunct faculty members in getting selected for an interview for the one of the upcoming full-time faculty job openings that the District has announced. Audrey Spall has taken the lead in organizing a group of staff and faculty from the Career Center, Counseling, and Work Experience departments to present two workshops. The first will be a Resumé Writing Workshop, which is scheduled for Tuesday, February 8, 2011, from 5:30 pm to 7:00 p.m. in Doyle Library, Room #4245. The second will focus on mock interviews and is scheduled tentatively for Tuesday evening, March 15; however, Audrey is considering switching that workshop to a Monday or Wednesday evening, in order to capture more participants. Staff Development has approved 1.50 hours of Flex credit for the Resumé workshop. AFA will send out an announcement about the first workshop soon. Audrey encouraged Councilors to contact her if they are willing to allow presenters to share their resumé as examples. She has already contacted recent regular faculty hires with the same request. Audrey is also working with Renéé Lo Pilato to develop the interview workshop, and she asked Councilors to email any suggestions or ideas in terms of best practices for interviews. Given that every department looks for something different in their candidates, Audrey asked Councilors to let her know what their departments are looking for during interviews.

Since the presenters have volunteered to devote their time to preparing for and presenting these workshops on two separate occasions, Warren recommended that the Council demonstrate its appreciation by authorizing the expenditure of between \$100 and \$200 to pay for dinner at a local restaurant after the workshops. He noted that there is room for an expenditure of this magnitude in the Events line item in the AFA budget. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Lynn Harenberg-Miller to authorize the expenditure of an amount not to exceed \$200 for dinners for the presenters after the two workshops.

2. Spring 2011 Calendar. (See Discussion Item #4.) By unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Cheryl Dunn to approve the Spring 2011 AFA Calendar as presented. (An AFA Calendar of Events is available at <http://www.santarosa.edu/afa/calendar.shtml> .)

DISCUSSION ITEMS

1. Resolution re: Adjunct Faculty Hiring. Warren said that the idea behind the development of this resolution was to acknowledge the value of hiring SRJC adjunct faculty to contract positions at this institution. Since the subcommittee charged with drafting the proposed language did not produce a document in time for the meeting, Warren said that he would assign the task to someone else, and discussion of this item was postponed until the February 9 Council meeting.
2. Institutionalization of AFA/District Past Practice. Warren said that AFA staff has developed a list of "past-practice" agreements between AFA and the District, many of which have not been incorporated into the Contract (e.g., agreements re: the AFA office lease and reassigned time calculations). Councilors received a copy of the list for their review prior to the meeting. Warren noted that he would like to present the list to Dr. Agrella by the end of February, in order to acknowledge and institutionalize these agreements before Dr. Agrella retires. Warren asked that Councilors forward their suggestions re: any items not already on the list to him and to staff for consideration. A comment was made that it would be beneficial for AFA to maintain its long-standing tradition of offering an adjunct issues workshop on PDA Day. Warren directed staff to add this item to the list.
3. Exemplary Service Award. Warren noted that, in 2008 and again in 2009, AFA presented Exemplary Service Awards to two individuals—Deborah Sweitzer and Bernie Sugarman, respectively—in recognition of their extraordinary contributions to the association. The Council did not select an individual in 2010 to receive this award. Warren suggested that the Council consider either presenting a 2010 award this year in addition to a 2011 award, or skipping the 2010 award and presenting the award for 2011 only. Warren named the three individuals who the Cabinet considered as candidates for this award prior to reaching a consensus on one individual. After Councilors and staff described the exceptional contributions of this particular individual, the Council approved by acclamation the selection of the Exemplary Service Award recipient for 2011, as recommended by the Cabinet, and agreed not to present an award for 2010 retroactively.
4. Spring 2011 Calendar. Councilors received a copy of the proposed calendar for Spring 2011 prior to the meeting for their review. Warren pointed out several tentatively scheduled meeting dates, which are subject to change, including: (1) the Spring 2011 Council retreat on Saturday, April 2; (2) the Spring 2011 CCCI Conference, Thursday through Saturday, April 7 – 9; and (3) a special Council meeting on the fifth Wednesday in March (March 30), since the fourth Wednesday of the month falls during Spring Break. The calendar also includes scheduled Cabinet and Council meetings, as well as negotiation sessions with the District. Warren suggested that it might be beneficial to hold the March 30th special meeting on the Petaluma Campus since it's a fifth Wednesday, there is no Senate meeting that day, and there is a retreat tentatively scheduled for three days later. (The retreat would provide a timely opportunity for Councilors to catch up on what they missed if they were unable to make the commute to Petaluma on March 30 because their classes are scheduled immediately before or immediately after the meeting.) Warren mentioned that the Board of Trustees would hold its February 8 meeting in Petaluma. He also raised the idea of starting a tradition of scheduling an AFA collegial event every spring at the end of April on Mike Meese's birthday. (April 23 and April 30 were mentioned as possibilities.) AFA staff will conduct a "Doodle" poll to determine availability. By unanimous voice vote, the Council approved a motion made by Brenda Flyswithhawks and seconded by Sean Martin to move approval of the Spring 2011 calendar to action at this meeting.
5. Constitutional Proposal: Council Composition (Member: W. Ruud). Councilors received a copy of this document prior to the meeting for their review, and an electronic version was projected onscreen. (This document is posted on the AFA Website at www.santarosa.edu/afa/Misc/AFA_Constitutional_Change_Proposal_WRuud_02.09.11.pdf.)

Warren stated that, in accordance with the current Constitution, after a member presents a proposed change to the Constitution, the Council is required to discuss the proposed change at one meeting and then vote on it at the next meeting. The next regularly scheduled Council meeting falls on February 9, 2011.

Warren stated that, as a member, he is proposing this Constitutional change. After conferring with many Councilors and ACCT members, he constructed a proposal with the goal of formulating a consensus that follows the spirit of the ACCT recommendations (which are posted on the AFA Website at www.santarosa.edu/afa/ACCT/12.08.10_ACCT_Report.pdf). It would require thirteen votes of approval (two-thirds of the Council) to forward his proposed Constitutional change to the membership for their consideration and vote.

ACCT's primary charge was to develop a recommendation about the composition of the Council. They could incorporate any other suggestions into their report, as they saw fit. (See www.santarosa.edu/afa/ACCT.shtml .) For his proposal, Warren separated ACCT's recommendations into two documents: those recommendations that would require changes to the Constitution, and those recommendations that would require changes to the Bylaws.

The first document of Warren's proposal includes: (1) excerpts from the current Constitution; (2) a matrix that presents a list of the ACCT Report recommendations and a proposed recommendation on each item for the Council to consider, with background explanations and comments; and (3) specific language with proposed additions and deletions to the Constitution.

The second document includes: (1) excerpts from the current Bylaws; (2) a matrix that presents a list of the ACCT Report recommendations, a proposed recommendation on each item for the Council to consider based on a consensus of the various individuals to whom Warren spoke, and background explanations and comments; and (3) specific language with proposed additions and deletions to the Bylaws.

ACCT recommendations #1 and #2 focused on representation on the Council and election of Councilors. These two items are defined in the Constitution. Since elections are held early in the spring, any changes to the election procedures in the Constitution are time sensitive.

ACCT recommendations #3 through #7 (related to representation of Petaluma, AFA officers, Executive Council decisions, general membership decisions, and quorums) deal with items that are defined in the Bylaws and/or AFA Policy. For that reason, no changes to the Constitution related to those items were needed.

As Warren reviewed the contents of the proposal with the Council, he offered the following additional comments:

- ACCT requested that Items #1 and #2 be considered together.
- Two years ago when the Council considered expanding its size and increasing the number of seats, there was spirited discussion, and a consensus emerged that size of the Council should not be greater than 19.
- At-large elections are problematic at this time for many reasons. Ten regular seats, five adjunct seats, and four at-large seats represents a compromise. That configuration would still allow for ten regular and nine adjunct, with a differential of one. Although it's not the same as having everyone elected at large, it's a first step towards making incremental progress in that direction. Maybe some of the divisions will go away, but right now the trust is not there.
- Increased adjunct participation on the Council and on committees will result in a cost increase to AFA. The Council might want to consider revisiting the dues structure. The membership approves the maximum dues rate allowed, and the Council establishes the dues rate, not to exceed that maximum. Some independents charge different rates for adjunct and regular faculty, and the Council might want to consider that idea. The number of FTE faculty will likely be decreasing over the next couple of years, while a great many of AFA's costs are fixed and not directly proportional to the number of members.

- In order to implement changes to the Constitution related to the composition of the Council, the Council would need to approve changes to the schedule of elections in the Bylaws. For the "10-5-4" scenario, in odd years, elections would be held for five regular, three adjunct, and two at-large seats. In even years, elections would be held for five regular, two adjunct, and two at-large seats. These changes to the Bylaws are not subject to the same time-sensitive deadlines as the Constitutional changes.
- Although it would be preferable to implement these changes to the Bylaws in one election cycle, it would take two years to implement fully, and the timeline might need to be adjusted. Following election as a Councilor, if a Councilor is elected as an officer, s/he needs to notify his or her department chair to accommodate reassigned time and any resulting changes in the department's schedule of classes for the subsequent fall semester. Hence, the publishing of Proof 2 of the schedule of classes drives the deadline for elections, which, in turn, drives the timeline for making any Constitutional changes that affect election procedures.
- Some candidates for the Council might want to be considered for at-large seats in addition to constituent-specific seats.
- One of ACCT's recommendations would have entailed a reduction in the rights of presidential voting granted by Roberts Rules of Order; however, ACCT had no intention in instituting such a limit.
- The Council already has a Vice President for Petaluma. What happens to this position if there is no one on the Council willing to serve in this position who has an assignment in Petaluma? There needs to be someone who advocates for Petaluma.
- There is no designation for adjunct faculty in terms of campuses. An adjunct instructor may have an assignment in Petaluma, but there is no prohibition against that instructor being assigned to Santa Rosa. Also, it could be problematic if an adjunct instructor was elected because s/he had an assignment in Petaluma, but s/he only received two votes. There could be separate elections for Petaluma seats, but that would be problematic for other reasons. The Council could consider making a change the Bylaws to provide for the assignment of one adjunct Councilor as an adjunct for Petaluma. This issue is not time-sensitive.
- The Adjunct Cabinet Liaison is a position that already exists but could be strengthened and renamed the Adjunct Cabinet Representative. Two officers are drafting a specific job description to incorporate into AFA policy, and Warren is hoping to bring the proposed language to the Council meeting on February 9 for review and approval. The position could be voted on at the following Council meeting. He asked Councilors to forward any input into the job description to him.
- Historically, the Council has never experienced a problem getting a quorum. It's conceivable that a requirement that at least 50% of the adjunct and 50% of the regular be present in order to conduct business might create a problem in the future, especially when one group has fewer representatives due to vacancies. This requirement could also subject Council business to being brought to a halt because Councilors decide to absent themselves from a meeting as a strategy.

In response to a question about process, Warren clarified that the Constitution allows any member to present a proposal for change. He noted that the current proposal is a start, and it is a compromise. The Council has the obligation to approve it or reject it at the next meeting. Councilors engaged in a lengthy discussion, and the following comments were made:

- Some faculty members have expressed a concern that a majority of adjunct faculty members could outvote a minority of full-time faculty members. This proposal seems to address that concern, but it doesn't address the idea of equity or fairness. The numbers of representatives don't come even close to each other. The Council represents full-time and part-time faculty.

- Within this proposal, the possibility exists that AFA members could elect ten full-time and nine part-time Councilors. With 1,200 adjunct and 300 contract, the odds of every at-large seat going to an adjunct faculty member are relatively high.
- With this proposal, the worst-case scenario could mean less part-time representation than there is currently, and that risk is too large. This proposal does not capture the ACCT recommendations, and it omits the most important element—the entire membership voting for the entire Council. The idea behind ACCT’s recommendation was to eliminate the different constituencies, to transform the Council, and bring it into alignment with AFA’s mission. The concept of a range in the number of adjunct and regular Councilors is very important, more than the total number of Councilors. The Santa Barbara City College faculty association has many fewer Councilors than AFA, but it has a similar range to the one that ACCT included in its recommendations. The issues regarding the quorum and two thirds vote of the membership do not rise to the same level of importance.
- The current proposal addresses one of those concerns, in that each member of the Council would represent all members. The proposal deletes the provision that regular Councilors represent regular faculty and adjunct Councilors represent adjunct faculty, and it specifies that each Councilor represents all faculty members.
- If AFA has the will, ACCT’s recommended changes could happen. All of the changes that ACCT suggested are based on other CCCI member colleges. There may be logistical issues, but the changes can be accomplished.
- In terms of all members voting for all adjunct and regular candidates, some regular faculty members have expressed concern about a potential situation in which a regular faculty member receives a large percentage of votes, but s/he cannot be considered for a position because s/he’s not an adjunct faculty member. Conversely, a large number of regular faculty retirees, who have returned to teach as adjunct, have greater name recognition than other adjunct instructors. If AFA members were to vote for those adjunct/retiree candidates instead of other adjunct candidates, the at-large voting procedure could backfire in the other direction.
- With regard to fear, trust, and assessment of probability: there is a mathematical possibility that AFA members could elect 14 regular and 5 adjunct representatives, based upon the concern that there would not be enough adjunct faculty participation in the election. The concern over the raw numbers of adjunct faculty voting causes some full-timers to obsess on the other side of the issue. It would be helpful to change the conversation to think about other possibilities not shaded by fear. Basing one’s judgment on fears that there will be a real undesirable result is not the best way to make a decision.
- Adjunct faculty and regular faculty are asking the same question, “Why don’t you trust us?” This process will take small steps and it will take time to heal the divisions.
- When the ACCT proposal was presented in December, it was in favor of changes to benefit adjunct faculty to such an extent that it made voting in support of it impossible, especially when the data show that SRJC adjunct faculty salaries are ranked tenth in the State and regular faculty salaries are way below that.
- The focus of discussions has been on “fair representation,” but that issue is a “screen” for talking about results. Some people feel that the basis of representation needs to change because the results need to change. A case could be made that AFA has not done a good job representing contract faculty for the last few years.
- It may not be possible to address the problem by talking about numbers. Full-time faculty members have not been born into privilege—they have competed for their jobs. AFA has a responsibility to protect full-time salaries and benefits. Rejection of ACCT’s proposals does not mean opposition to adjunct faculty.

- With the ACCT recommendations, the Council has an opportunity to try something different. Adjunct faculty members are not going to tear down the institution or set it on fire. Adjunct faculty members work as hard as full-time faculty members do, but without the benefits. The issue is not about numbers—it's about what's right. Adjunct faculty should not be treated as second-class citizens.
- Adjunct faculty members work hard for their classes, but the full-time faculty is responsible for much more outside of the classroom than adjunct faculty.

Three ACCT members in attendance at the meeting offered these additional comments:

- Some ACCT members were in favor of a total of 21 total seats for reasons of equity. Others thought that, for practical and financial reasons, the Council would find 19 total seats to be a better solution.
- The ratio of regular seats to adjunct seats is slightly better with 21 total seats than with 19 total seats. A minimum of 8 part-time and 13 full-time seats is a slightly better ratio than 7 part-time and 12 full-time seats.
- One ACCT member stated that his support of each of ACCT's recommendations was based on what he thought was politically possible. He acknowledged that there is ongoing fear and mistrust and said there will continue to be division amongst faculty members. He suggested that, for any change to happen, there has to be a sufficient number of faculty who argue that a substantial and meaningful increase in the number of adjunct faculty members on the Council is warranted, while at the same time recognizing that the workload of regular faculty is increasing.

In response to questions about procedure, Warren clarified that, if someone has another proposal, s/he may bring it to the next meeting. Although it would put some pressure on the timeline, if Councilors thought the new idea was better, they could vote against the current proposal. In any event, the Constitution requires that the Council vote on the current proposal at the next meeting. Warren expressed appreciation of the opinions that Councilors communicated during the discussion, as well as the emotion and passion behind the opinions. He said that the problem is that there are people with similar levels of emotion, passion, and certitude, who have different ideas of how to resolve the matter. Trying to generate an idea that works for all groups of people when there is no intersection between their solutions is the challenge. The problem may have no feasible solution, but it may be possible to make incremental changes. Warren clarified that there would be additional time for further discussion on the proposed Constitutional changes at the February 9 Council meeting.

MAIN REPORTS

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

The meeting was adjourned at 5:35 p.m.

Minutes submitted by Judith Bernstein.