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The strength of faculty working together.*

## AFA EXECUTIVE COUNCIL MEETING MINUTES

March 9, 2011

(Approved by the Executive Council on April 13, 2011)

Executive Councilors present (noted by \*):

*Cheryl Dunn, presiding	*John Daly	*Reneé Lo Pilato	*Mike Starkey
*Alix Alixopoulos	*Dianne Davis	*Sean Martin	*Julie Thompson
*Paulette Bell	*Brenda Flyswithhawks	*Dan Munton	*Jack Wegman
*Lara Branen-Ahumada	*Karen Frindell Teuscher	Warren Ruud	<i>One adjunct faculty</i>
*Paula Burks	Lynn Harenberg-Miller	*Audrey Spall	<i>vacant seat</i>

Officers/Negotiators present: Ann Herbst

Councilors-elect present: Mary Pierce, Eric Stadnik

Faculty present: Sharien Hinton

Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:06 p.m. in Bertolini Student Center Senate Chambers on the Santa Rosa campus.

### MEMBER CONCERNS

1. Impact of Department Merger on Sabbaticals. Sean Martin brought forward a concern about sabbatical leaves. As a result of the pending merger of the Philosophy and Humanities Departments, the "10 percent rule" in the Contract (which says that no more than 10 percent of the department may take a sabbatical leave at the same time) will come into play and impact the ability of two members of the Philosophy Department to take their sabbaticals when they were hoping to take them. Prior to the merger, this problem would not have existed. Sean suggested that this concern is only one of the many consequences of merging departments and that the concern has the potential to affect all four mergers, not just Philosophy and Humanities. Sean noted that the faculty members in his department are hoping that there will be a temporary way to overcome this obstacle in the immediate future. Dan Munton clarified that, if more than 10 percent of a department's faculty members eligible for sabbatical wish to take a sabbatical at the same time, then the chair, the dean, and the Vice President of Academic Affairs may confer with the Sabbatical Leave Committee to make a recommendation to the President and the Board requesting an exception to the rule. Dan suggested that Sean and his department look into this possibility, as it has the potential to resolve the problem.
2. Changes to Faculty Staffing Plans. Reneé Lo Pilato asked whether anyone had attended the Faculty Staffing Committee meeting on Monday, March 7, and could confirm that Dr. Agrella stated at the meeting that he might be eliminating the ten new regular faculty positions that were approved earlier in the spring. No one reported attending the March 7th meeting; however, Ann Herbst acknowledged that that possibility had been mentioned before.

## **MINUTES**

The Council accepted the minutes from the February 9, 2011 Executive Council meeting with the following correction: in the ninth line under Discussion Item #3 on page 6 of 7, the phrase "within the Bylaws" will be replaced with "within Article 4 of the Constitution." (Approved minutes are posted at [www.santarosa.edu/afa/minutes.shtml](http://www.santarosa.edu/afa/minutes.shtml).)

## **ACTION ITEMS**

1. Election of Officers (2011-12 Term). In accordance with AFA Policy, elections of officers occurred in the order shown below, elections for uncontested positions were conducted by a show of hands, and elections for contested positions were conducted by secret ballot. For each position, Cheryl Dunn called for additional nominations, closed the nominations, and called for a vote. (Except where noted below, the elections were uncontested.)
    - President: By a show of hands, the Council elected Warren Ruud (12 in favor).
    - Conciliation/Grievance Officer.
      - Structure of Conciliation/Grievance Committee: Lara Branen-Ahumada mentioned that members of the Adjunct Issues Committee had expressed an interest in restructuring the Conciliation/Grievance Committee, and asked whether the election of the C/GO could be delayed pending the outcome of that discussion. If the Council were to agree at some point later on this semester to a new concept that involved the addition of one or two C/GOs, Lara wanted to know whether the Council would have to wait another year to hold elections for those positions. Ann Herbst stated that, currently, the C/GO is the only member of the current C/G Committee who receives reassigned time. She also clarified that the Council is making decisions based on the currently existing Bylaws and policies, and that proceeding with the election for C/GO would not preclude future changes to the C/GO Committee or holding another election prior to next spring.
      - Election: Due to the large number of regular faculty retirements pending in her department, Audrey Spall declined the nomination put forward at the February 23<sup>rd</sup> Council meeting. Subsequently, Audrey nominated Julie Thompson for this position and Julie accepted. No other nominations were forthcoming and, by a unanimous show of hands, the Council elected Julie Thompson.
    - Vice President for Santa Rosa. By a unanimous show of hands, the Council elected Dan Munton.
    - Vice President for Petaluma. There were two candidates for this position: Cheryl Dunn and Mary Pierce. The Council cast votes by secret ballot. Ann Herbst and Candy Shell collected and counted the ballots. The Council elected Mary Pierce.
    - Secretary/Treasurer. By a unanimous show of hands, the Council elected Paula Burks.
2. Election of Data Analyst, Note Taker, and At-Large Negotiators (2011-12 Term). Separate elections for each position were conducted. One at a time in sequence, Cheryl Dunn called for additional nominations for Data Analyst and Note Taker, then closed the nominations and called for a vote. Both positions were uncontested. By a show of hands, Councilors elected Warren Ruud as Data Analyst (12 in favor), and Dianne Davis as Note Taker (13 in favor). Subsequently, Ann Herbst described the process outlined in AFA policy re: voting for the at-large negotiators. At least two of the six members of the AFA Negotiating Team must be adjunct faculty. The President, the Chief Negotiating Officer, and the Note Taker are members of the team by position. Since regular faculty members will be serving in those three positions in 2011-12, the elections of the adjunct candidates for At-Large Negotiator must be conducted first, to ensure that there will be at least two adjunct members on the team. The election for the third At-Large Negotiator follows and is conducted separately, because that position may be filled by either a regular or an adjunct faculty member.

Cheryl Dunn then called for additional nominations of adjunct faculty candidates for the two adjunct At-Large Negotiator positions. As no further nominations were forthcoming, she closed the nominations and called for a vote. These two elections were uncontested. By a unanimous show of hands, the Council elected Lara Branen-Ahumada and Lynn Harenberg-Miller. Cheryl then called for further nominations for the third At-Large Negotiator position. As there were none, she closed the nominations and called for a vote. By a show of hands, the Council elected Jack Wegman (13 in favor).

3. Election of Other Appointed Positions (2011-12 Term). Separate elections for each position were conducted. One at a time, in the order shown below, Cheryl Dunn called for additional nominations, closed the nominations, and called for a vote. All four elections were uncontested. By a unanimous show of hands, the Council elected the following individuals:

• Publications Coordinator	Julie Thompson
• District Tenure Review & Evaluations Committee (DTREC) Co-Chair	Sean Martin
• Bay Faculty Association Representative	Ann Herbst
• Adjunct Cabinet Representative	Mike Starkey

4. Appointment of Adjunct Councilor Candidates (Two Seats – 2011-13 Term). Following discussion (see Discussion Item #1), by a unanimous show of hands, the Council approved a motion made by Sean Martin and seconded by Paula Burks to approve the appointment of Eric Stadnik and Mike Starkey as adjunct Councilors for two-year terms that begin on the first day of the Fall 2011 semester.

## **DISCUSSION ITEMS**

1. Appointment of Adjunct Councilor Candidates (Two Seats – 2011-13 Term). Cheryl Dunn noted that, in the recent call for candidates for three open adjunct faculty seats on the Council for the 2011-13 term, two candidates (Eric Stadnik and Mike Starkey) submitted nominations. In the event of an uncontested election, the Bylaws provides for appointment of the candidates by two-thirds vote of the Council. (As there is currently one vacant seat on the Council, two thirds is equivalent to 12 votes). Due to the large number of absences at the February 23<sup>rd</sup> Council meeting, these appointments did not go forward. There being no discussion, by a unanimous show of hands, the Council approved a motion made by Sean Martin and seconded by Reneé Lo Pilato to move this item to action (see Action Item #4).
2. Adjunct Councilor Vacancy (Mid-term Resignation/Remainder of 2009-11 Term). Cheryl Dunn reported that AFA emailed an announcement of this vacancy and a call for candidates to DL.STAFF.FAC.ADJ.ALL, with a closing date of March 18<sup>th</sup>. Dan Munton called attention to the fact that only two candidates ran in the recent election for three positions, and commented that it's a difficult time for people to want to jump into the fray. He suggested that Councilors make an effort to talk to people individually, as AFA needs the full representation of adjunct faculty. Members of the Adjunct Issues Committee agreed to confer with each other by email prior to the closing date, in hopes of generating a list of potential candidates for the vacancy.
3. Adjunct Councilor Vacancy (Third seat 2011-13 Seat). Since the deadline for responses to the solicitation of candidates for this seat is March 18<sup>th</sup> (the same closing date as for the mid-term replacement seat), the consensus of the Council was to postpone further discussion on this item until the next meeting.
4. CCCI Spring 2011 Conference. Cheryl Dunn reported that the upcoming California Community College Independents (CCCI) Spring 2011 Conference is scheduled for April 7 – 9 in Sacramento. AFA policy stipulates that the Council may send four individuals. So far, Ann Herbst, Warren Ruud, and Julie Thompson plan to attend. Cheryl asked if anyone else had an interest in going to the conference. Mike Starkey, who attended last fall's conference, expressed an interest in going again. Eric Stadnik also indicated an interest and said he would

check his schedule and report back to AFA staff. Ann Herbst noted that, if Eric is unable to go to the conference, the Council could approve an exception to policy allowing Mike Starkey to go two years in a row. The Council has one more meeting before the CCCI conference.

5. Council Composition. Sean Martin said that he and Mike Starkey have been working together on a proposal for changes to the AFA Constitution and Bylaws. They intend to bring forward to the Council a formal proposal for discussion at the March 30<sup>th</sup> meeting and a vote at the April 13<sup>th</sup> meeting. Councilors received a draft version of the proposal via email prior to the meeting, and hard copies were also distributed. Sean said that he and Mike have been working jointly on this draft to build consensus in a way that will benefit the organization in the long term, and will make progress towards mending some of the wounds that the Council has been suffering in the last year or two. He and Mike hope to serve as exemplars of what can happen if regular and adjunct Councilors work together.

There are two key components to the changes to Article IV of the Constitution that Sean and Mike will be proposing. The first change alters the wording in Section 2 of Article IV by eliminating the implication that Councilors represent either regular or adjunct faculty. Using some of the wording from the proposed Constitutional changes Warren Ruud brought forward in January, Sean and Mike will be proposing that Councilors represent both contract and adjunct faculty members. The second change establishes the number of Councilors at 11 contract faculty and 8 adjunct faculty. Having reviewed the minutes of the discussions from numerous Council meetings, Sean and Mike concluded that the 11-8 configuration appears to yield broad support, and it addresses a number of concerns that have come up over time. Most importantly, the 11-8 configuration would require that any decision that passes by two-thirds vote would require at least two adjunct Councilors to be in support. He said that this change is minimally symbolic, but it is moving towards a more deliberative process. It would attempt to address the perception that, procedurally, decisions could leave the Council without due input from adjunct Councilors. Sean said that, although some Councilors have expressed concerns about potential pitfalls of the 11-8 plan, neither he nor Mike think there are any procedural ways to avoid every conceivable pitfall. Sean noted that even maintaining the status quo is problematic and has pitfalls of its own. Sean and Mike's proposal would maintain representational voting, wherein contract faculty vote for contract Councilors and adjunct faculty vote for adjunct Councilors. They are not asking for open voting in this proposal, in part, because there has been such negativity towards that idea from multiple angles. Sean and Mike's proposed changes to Article III of the Constitution are exactly identical to the changes Warren Ruud proposed in January. The changes allow for increasing dues to compensate additional adjunct Councilors, using the same rationale included in Warren's proposal. Sean noted that the proposed changes to the composition of the Council would be phased in over two years. AFA just held an election for seven contract faculty Councilors, who will be in the first year of a two-year term, and Sean and Mike didn't think it would be right to disrupt those seats. They will be proposing that one additional adjunct Councilor be elected in March 2012, a second adjunct Councilor be elected in March 2013, and five contract Councilors be elected in March 2013, bringing the Council totals to 11 and 8. Sean acknowledged that the composition of the Council is a sensitive issue, and added that, in the interest of a collective investment in the final proposal, he and Mike were eager to hear about any suggestions or objections. They hope that, by March 30<sup>th</sup>, any concerns could be made clear and changes could be made to address those concerns.

Councilors engaged in a lengthy discussion. Comments included the following:

- When and if the Council votes to send this proposal out to membership for a vote, it would be important to include concrete figures about any increase in the dues. (In response, Sean said that Warren Ruud's proposal allowed for an increase in the dues from 0.55 percent to 0.75 percent (of gross pay) as a maximum, he and Mike had not run the numbers yet, and they would appreciate some input on that task. Paula Burks replied that she and Candy Shell could develop a cost estimate that includes adding two adjunct Councilors, so that Sean and Mike could include it with the proposal that they will be sending out prior to the March 30<sup>th</sup> Council meeting.)

- Part of the proposed changes to Article III would allow the Council to differentiate between contract and adjunct faculty rates, so that the rate charged adjunct faculty could be lower. Currently adjunct and contract faculty pay the same rates.
- This proposal is a definite improvement and I would vote for it; however, it's still missing the at-large voting piece. It's difficult to resolve the contradiction by saying that Councilors represent all faculty members. How are Councilors not going to feel that they have to represent the people who voted them in? (Sean acknowledged the concern, noting that he and Mike talked about this issue and agreed that there are two ways of holding people accountable—and one is greatly underappreciated. One is electoral accountability [i.e., a Councilor could get voted out if s/he lets down his/her constituents]. The other is moral accountability [i.e., what's in the best interest of everyone]. It's not clear that the Council or the membership would approve both a change in the number of members of the Council and the voting scheme, and the at-large voting issue has the potential to open up new wounds.)
- With the 11-8 makeup, there's a potential for a deadlocked Council. (Sean acknowledged the concern and clarified that it would take at least seven Councilors in opposition to something to block the will of twelve. He said that he didn't see any procedural way around that possibility that would still maintain the deliberative aim of these changes. Although there have been some pretty contentious disputes, Sean said he didn't think that there is a majority of precedents for a deadlock happening.)
- When AFA was formed initially, it was viewed as an all faculty organization (i.e., through the design of the Contract, the linking of the salary schedules, and the creation of Article 16). Full-time trumps part-time, whatever industry you're in. Economic times create difficulties, and personal issues distort perceptions on equity and fairness. Conflict erodes the institution, faculty, and the faculty's relationship with students. As a union, AFA tries its best to represent all faculty. There is a perception by some that AFA has not given adequate time and energy to adjunct issues; however, if you look at the meeting minutes, at least 70 percent of the Council's time is directed towards adjunct issues. The Council should be a team, and we should direct our focus towards the administration and the State. Class sizes are growing, as the administration keeps pushing and instructors take in more students. As individuals, the faculty needs to step back, get out of finger pointing and get into unity. Emotions create more polarization and animosity.
- AFA had a hard time getting three adjunct faculty members to run for three open seats. Would this body be in the position of having to appoint relatively large numbers of adjunct faculty Councilors, or would the climate change enough in the future that people would be willing to step forward?
- The same thing could be said about regular faculty. AFA might not be able to find three regular faculty members to run. We don't know when the climate will change, but there has got to be a time when we try to rise above all of this and spend some time dealing with three or four things besides fighting amongst ourselves. There are interviews going on right now for a new president. These are still desperate times.
- I applaud Sean and Mike and appreciate their being proactive and getting together to produce a reasonable proposal that everyone can live with.
- Two new faculty members (one adjunct and one contract) have stepped up to the Council. There are a number of faculty members in Petaluma who have become interested in getting involved on the Council. Although it's a difficult time, the more we try to be positive about the work we're doing and the changes that we're attempting to make, and the more we put out to our colleagues that we're committed to doing this work, the better. We have to keep the spirit alive of hanging in there no matter what.
- The goal of this proposal was to try to find a way to build trust and to exemplify mutual respect. It doesn't go as far as some would like. Although I agree about the amount of time the Council puts forward to adjunct issues, when I talk to people outside the

Council, I can't help but feel skepticism around the makeup of the Council and whether the same decisions would have been made had the makeup been different. Most Council decisions weren't straight down "party" lines, however. This proposal may be idealistic, but it shows leadership to keep the "all faculty" spirit.

- Why would someone want to join a body when it's been so contentious? We're not projecting energy and collegiality. How do we recruit people? We have to relax and trust each other and come together. People will see that and they'll maybe want to be a part of that.
- Do we have any idea of what adjunct faculty might think about these proposals? As a contract faculty member, I support this and would vote for it. On the other hand, I'm concerned that others may feel that it's not going far enough. That would be disappointing. I would look forward to airing this proposal with instructors we respect—both adjunct and contract.  
(In response, Sean said that most of the people he has spoken with—both contract and adjunct—have responded positively to the proposal.)
- I honor what Sean and Mike have attempted to do. I wish it had happened sooner. I'll go with anything that is an improvement. This is a definite improvement and I will support it.
- This proposal is definitely an improvement and a step in the right direction. I know that there is a major concern about equity, which has been discussed in the Council. A movement for consideration of another faculty association is underway. The Council needs to bear in mind that presenting this proposal is either going to fuel that movement or put it out. It all depends on how we present this proposal to the adjunct and regular faculty so that they feel some sense of confidence that we as a Council are acting in the best interest of all faculty and not just full-time faculty. My personal take from adjuncts I've talked to is that that's not happening right now. There hasn't been a good explanation here or to our constituents. Warren has gone through great efforts, but the argument hasn't sunk in. How is 11 and 8 equitable? Why shouldn't the makeup be based on teaching load or some other factors? If the Council comes up with a good explanation, I think there would be acceptance.
- Warren and other members of the Council have done an incredible job of putting out not just words, but facts and documentation to do just what was said needs to be done. We're at an impasse. Some individuals will never think what we're saying is equitable or fair.
- It's going to have to come down to compromise. This proposal is a great compromise and Sean and Mike did a great job. I would be able to support it, and I like that Councilors would have to win over two part-time or full-time for approval.
- It takes two from either side to get two thirds—that sells it for me. Ideally, I would like to have at-large voting, but that is idealistic. We have to move forward and not just do nothing. This seems like a reasonable and rational proposal.

Mike Starkey pointed out that the key word was "compromise" and that Councilors voted against the last proposal for very different reasons. If something is too extreme, it's polarizing. Sean added that the Council has had many lively discussions and, after one of them, he sent out an email talking about risk aversion and compromise. Compromise is as much about what people are unwilling to do as it is about what they want to do. Some faculty members don't want to expose their group to the risk of four at-large seats and the potential for adjunct faculty to lose seats. Sean commented that any conceivable formula he and Mike looked at came down to risk aversion. He said that eleven and eight is a known entity and that, in a tumultuous time, it's a sure case, with a necessary, deliberative element. Although it may not be accurate, Sean said that there's a perception that one group is steamrolling another group. With this proposal, there is a built-in deliberative necessity, plus no one has to face a worst-case scenario. Also, he pointed out that it's not permanent—it can be changed down the road if it's not working.

The Council spent time discussing alternative methods of soliciting feedback about the proposal, and various suggestions were put forward, including:

- AFA could send out the draft to DL.STAFF.FAC.ALL;
- Each Councilor could share the draft with his/her constituents;
- Sean and Mike could share the draft with ACCT;
- Sean and Mike could write a piece for publication in the *AFA Dialogue*;
- AFA could solicit faculty opinion pieces for publication in the *AFA Dialogue*;
- AFA could hang the proposal on the AFA Website; send out an announcement informing faculty that there is a proposal addressing changes to the AFA Constitution and Bylaws regarding the composition of the Council; encourage any interested faculty members to provide feedback to their AFA representatives by a specified deadline; and include the DL.STAFF.FAC.ALL conversations. Interested people will take time to go to the site and read the proposal;
- Staff could create a feedback forum on the site;
- Alternatively, faculty members could email the AFA office, and staff could collect and post the feedback online;
- Sean and Mike could include dues information along with the conceptual proposal;
- AFA could survey faculty members through Surveymonkey.com, asking, "Would you vote for this proposal if it came for a vote?" (On the one hand, a survey of the membership would defeat the purpose if the faculty votes before the Council votes. On the other hand, Councilors won't know how their constituents feel about it unless the constituents are surveyed first.)

It was pointed out that the way the Council typically functions is that Councilors figure out what they want to send to the membership for a vote. Before deciding to send something out, Councilors look for substantive feedback in order to create the best proposal possible—something that could be sent out with confidence. Also, skepticism was expressed that there would be any benefit should the Council receive feedback only from a limited sample of faculty members. It was suggested that the Council proceed based on whether Councilors think the proposal is the right thing to do.

At the conclusion of the discussion, Cheryl noted that the proposal was based on ACCT's recommendations, Warren Ruud's proposal, a myriad of Council discussions, and many different perspectives. She commended Sean and Mike on a job well done and reiterated that, in order for the Council to vote on the proposal at the April 13<sup>th</sup> meeting, Sean and Mike would need to present the official proposal at the March 30<sup>th</sup> meeting. It was suggested that they flesh out the official proposal with additional information about (1) the increase in dues; (2) the timeline (phased-in over two years); and (3) a brief explanation pointing out that at least two adjunct faculty Councilors would need to join the eleven contract faculty Councilors for two-thirds approval of any given motion.

## **MAIN REPORTS**

1. Negotiations Report. This report and subsequent discussion were conducted in closed session.
2. Conciliation/Grievance Report. This report was conducted in closed session.