

## **AFA EXECUTIVE COUNCIL MEETING MINUTES**

September 22, 2010

*(Approved by the Executive Council on October 13, 2010)*

Executive Councilors present (noted by \*):

*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	

Faculty present: Approximately 15 adjunct and regular faculty members

Officers/Negotiators present: Ann Herbst

Staff present: Judith Bernstein, Candy Shell

The meeting was called to order at 3:02 p.m. in Doyle Library, Room #4246, on the Santa Rosa campus.

### **MEMBER CONCERNS**

1. Proposed Merger of Departments. Following up on a discussion held during the September 21, 2010 DCC/IM meeting, Michael Aparicio, George Freund, and Jill Kelly-Moore addressed the Council with their concerns regarding a potential merger of Humanities and Philosophy. Vince Bertsch also expressed his concern about a potential split of Engineering and Physics, and subsequent merger with other departments.
  - Michael Aparicio said that, if you force departments to merge, it creates two de facto chairs and one is not getting compensated. He said that he is under the impression that the motivating factor for the District is to save money (according to the department chair reassigned time formula, the affected chairs do not earn the minimum of 25%) and that the District would be making a decision by December. To his knowledge, the District has not consulted any of the faculty or chairs in the affected departments. Michael expressed the hope that AFA could, at a minimum, slow the process down, as the merger would have important consequences for working conditions and is not in the best interest of students.
  - George Freund said that many years ago Humanities and Philosophy were part of the same department. They met and functioned separately, which resulted in the need for a coordinator. At that time, the Vice President of Academic Affairs agreed that it was a bad pairing and made a decision to split the department, with the two new departments going to different clusters. In response to Academic Affairs' proposed reorganization five years ago, faculty in those two departments made a fairly specific case based on this historical experience and the District accepted the argument. George said that it was alarming to see the same proposal being made so quickly after the last attempt at reorganization.
  - Jill Kelly-Moore said that the criteria for maintaining separateness remain the same and the only thing that has changed in the last five years is that the District is in an economic crisis. In the last five years, Humanities and Philosophy have become even more distinct. The two departments do not mentor their new adjunct faculty on the same topics and they

do not share evaluations processes or curriculum. Jill noted that the DCC spent last semester redoing the department chair job description and she said the District should be reevaluating all the work that chairs do — they do a lot more than they get paid for. If anything, reassigned time should go up, not down. She requested that AFA ask the administration to hold off on the merger to allow chairs to explain what they do and to negotiate on that basis before any decision is made.

- Vince Bertsch said that he sees two separate issues: (1) whether Engineering and Physics should be split; and (2) whether each should be merged with another department. He said that there are compelling arguments against splitting Engineering and Physics. In addition, regardless of where those two departments would end up, the job of the “former” chair would not change and merging would result in extra workload.

Warren said that AFA’s scope is fairly narrow in this matter and he encouraged concerned faculty to contact the Academic Senate, since this issue falls primarily within their purview. If the merging of departments results in faculty being asked to perform coordination duties without pay, then AFA would address that issue in negotiations. (Compensation of coordinators is on the agenda for negotiations this year.) Warren added that he would work with Academic Senate President Terry Shell and that he would raise the issue with the District in negotiations.

## 2. Proposed Amendment to AFA Constitution.

- John Tully, adjunct faculty in ESL, read from a prepared statement. He asserted that his particular group compiled via the internet 226 entries of faculty names on a list in support of 50% guaranteed adjunct seats on the Council. He said that, if the Council refused to listen to those faculty members and to those who voted against the TA, they did so “at the risk of jeopardizing the continued existence of AFA.” He urged the Council to let the members vote on the proposed Constitutional change. Warren reported that tens of faculty members had contacted him to say that their names had been listed fraudulently on this group’s website. He asked John whether his group had considered email verification and whether his group had considered apologies to those individuals who they fraudulently listed as supporters. John replied that his group had made no provision for verification and since then, their webmaster had gone back through all the names on the list and verified them. He also said that no one has asked for an apology, but, if they did, he would apologize.
- Marsa Tully, adjunct faculty in ESL, wished to clarify for the record that she submitted the proposed change to the AFA Constitution on behalf of a particular group of faculty, not her alone. Warren stated that the AFA Constitution requires that AFA members as individuals (not a group) propose changes to the Constitution. Since the document was transmitted to AFA via Marsa’s email address with two other names, she was the individual whose name was verified as the AFA member.
- Jo Caulk, adjunct faculty in Consumer & Family Studies, asked the faculty members who are represented by 13 Councilors to put themselves in the shoes of those who are represented by 6 Councilors, and she asked the 13 regular faculty Councilors to “stand up for justice.” She said that she would like to see all the faculty and AFA “join together in one group to make the representation more equal.”

## MINUTES

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

## DISCUSSION ITEMS

1. Proposed 2010-11 Budget. Paula Burks reviewed the packet of budget materials that were distributed to the Council for their review at the meeting. She pointed out that the proposed budget shows a year-end deficit of approximately \$19,000, which is roughly equivalent to AFA’s contribution to the Adjunct Faculty District Activities Fund (AFDAF), which funds adjunct

faculty college service. Aside from that one expense, the proposed budget is in balance. Projected revenue for 2010-11 is lower than that of 2009-10, because of the reduction of FTEF. Historically, AFA budgets have ended with surpluses, although last year's ended with a deficit. Paula said that the proposed budget includes the elimination of or reduction in certain expenses (e.g., there will be no contribution to the Doyle Scholarship Fund and postage is lower due to electronic balloting and publications). Given that the District has severely limited funding to compensate adjunct faculty members for their college service, Warren predicted that AFA's budgets would be running in the red over the next couple of years. Following the discussion and by unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Reneé Lo Pilato to move this item to action.

2. District Policy 3.6 (Program Review, Evaluation, Revitalization and Discontinuance). Noting that AFA's primary concern is the potential impact on faculty load when programs are discontinued or not revitalized, Brenda Flyswithawks pointed out new language in paragraph 6.E on page 9 of the most recent draft of this proposed policy (dated 9/12/10): "Contract faculty members who may be displaced by the discontinuance of a certificate or major may be eligible for the compensated Special Education Leave outlined in Article 28 of the AFA/District Contract. They may also apply for unpaid educational leave per Article 18 of the AFA/District Contract." Brenda recommended that Councilors pay particular attention to the text in blue font throughout the 9.12.10 draft, which has been updated since the Council engaged in its last discussion on September 8. She asked that Councilors contact her with their concerns and/or feedback.
3. Fall 2010 Retreat. Warren reminded the Council that the retreat is scheduled for Saturday, October 2, from 11:00 a.m. to 4:00 p.m. Discussions will focus on negotiations and statewide advocacy. As soon as Warren receives confirmation about scheduling from guest speakers Michael Allen, Democratic candidate for the State Assembly seat in the 7<sup>th</sup> District, and FACCC Executive Director Jonathan Lightman, AFA staff will email the agenda to the Council. Dianne Davis reiterated that Staff Development approved the retreat for Flex credit and said that she would bring the forms.
4. AFA's 20<sup>th</sup> Anniversary. Warren noted that 2010 marks AFA's 20<sup>th</sup> anniversary. John Daly, one of the founding members, added that AFA finalized its first contract in January 1990 and that Bernie Sugarman was its first president. The AFA officers have an interest in reaffirming the goals of the organization and, towards that end, Warren asked several Councilors to develop a draft of a resolution for review and approval at a future Council meeting.

#### **ACTION ITEMS**

1. Proposed 2010-11 Budget. Following discussion (see Discussion Item #1) and by unanimous voice vote, the Council approved a motion made by Brenda Flyswithawks and seconded by Lara Branen-Ahumada to approve the 2010-11 AFA Budget as proposed.
2. 8.23.10 Amendment to AFA Constitution (M. Tully). The Council engaged in an extensive discussion about the proposed amendment. Comments included the following:
  - It is our responsibility to do solid research before we send anything to the membership. Since the membership normally elects Councilors starting in February and ACCT would be finished in December, there's plenty of time before the election to consider the matter carefully. No time is being wasted — if this proposal was sent to the membership for a vote now, there wouldn't be any difference in when the new Councilors would be elected.
  - There's a need for the Council to be perceived to be listening to the 240 or so faculty members who signed the petition and are dissatisfied (like the group that said "no" to the TA). It is a significant size group. I would support on principle having the vote go forward to the membership. "Justice delayed is justice denied." The officers won't take positions until next fall. I don't see it as being useful to AFA to delay. AFA could schedule a special election.
  - ACCT should have some time to talk about what gets put on the table. Ultimately, it should be brought to the membership. ACCT was formed for a reason and they haven't had a

chance yet to discuss the issue. I understand the need for faculty to be heard. We have about five different, distinct types of adjuncts — most of those are dependent on their SRJC income for their livelihood. One small portion isn't as involved. I think we should allow the ACCT to come up with a proposal and that proposal should be put to the membership.

- I'm sensitive to the perception that AFA seems to not be listening. I think we did hear and we created ACCT and there are good people on that team who will be doing good work. Our job is to be careful and deliberative. When we send something to the membership for a vote, it should be vetted. Other groups could be sensitive and angry that we're not listening to them. There's a plurality of perspectives out there and we're trying to listen to everyone.
- Sometimes careful and deliberate action gets interpreted as not listening and not wanting to take action. Some regular and adjunct faculty want the issue to go to the membership for a vote, and others want it to go to the ACCT for research, to talk to colleagues at institutions like SRJC, to see how they are addressing this situation presently, and how they addressed it historically. Timing is important. We have to make sure that we have all the information. I would rather that we move cautiously and deliberately, doing the best we can for all faculty at this institution.
- We have spent months and months listening and weighing. It was the consensus of the Council that we form ACCT — putting reasonable people on the team who will bring us the data and research that we on the Council don't have the time to do. As one Councilor said, "Equality is a complicated concept."
- Focusing on the structure without focusing on the electorate leads us to unintended consequences. There are 1297 adjunct instructors; of those 1297, all of them have the potential to vote. It is their right to vote; each is given one vote per person and I support that. Of the 1297 adjunct who have the right to vote, 734 (56.6%) have chosen to be members of this union and 43.4% say they don't want to be a member. Of the 734 who pay dues, 298 chose to vote on the last TA. There are 280 full-time faculty members. The problem I see is that a minority of a large population has the potential to outvote the smaller population and is constitutionally entitled to veto every piece of legislation regardless of the structure of the Council. The question is: how do we create a structure so it guarantees the minority the right to have legislation heard? If it turns out that the adjunct can outvote the legislation and there are an equal number of adjunct instructors on the Council, then I feel I have little probability of putting legislation forward representing my point of view and having it pass. I support ACCT going forward and seeing if there is another institution that has found a solution. We are not unique — all two-year colleges rely on adjunct faculty. I want to know how they do it. Is there a way to do it that protects the rights of all?
- We are the All Faculty Association. We should take care of each other and not let one group suffer at the behest of the other.
- The proposal before the Council isn't designed to give a minority veto to full-timers; it's designed to give both groups equal say in the discussion of what goes forward to the entire body.
- If there are equal numbers on the council, then, if an adjunct comes over to the full-timers' side of the aisle, a proposal could go forward to a group who could vote it down. If a full-timer sides with the adjunct side of the aisle and if that proposal goes forward, it automatically becomes law. Anything that full-timers can forward could be vetoed. The current structure of AFA is 13 to 6 and, to that extent, that distribution of votes determines the agenda of what this unit will do. We look at what options are reasonable and what are not. The agenda would be determined and the vote would be determined — I'm afraid of that. I'd like to see how other colleges do it.
- Many institutions do not provide a lot of support for adjunct faculty, yet AFA has done a lot for adjuncts. Many adjunct faculty members didn't really start paying attention until the last TA. Now, suddenly everyone is awake. People need to participate. It's also true that the adjunct voice on the Council can never do anything because it's 13 to 6. It's important to

have a more balanced Council. Even though there have been sympathetic full-timers, the voting pattern has been clear. By equalizing more, we will have more equitable presentation of material to get to the membership. The perception is that the Council is stopping the presentation of material to the membership. Because we have such a variety of different types of adjunct, the part-timers don't all agree. If this Council had equal numbers of full-time and part-time, it wouldn't be us vs. them — there would still be a split. The six of us part-timers took a year to agree on one paragraph — it's not that simple. This issue is happening right in conjunction with the work of the Article 16 committee. A lot of schools don't have Article 16. We're trying to find the balance for all faculty.

- What we have in the proposal is another end product and that's fine. Maybe it's the best one — I don't know; but, maybe we don't have a rationale for the makeup of the Council at all. Independent of the end product, what rationale can we explain? My understanding is that we're not just collecting data and information, we're trying to understand the concepts to determine what kind of information would be relevant and to make progress in developing a rationale. I don't see how that can happen in any meaningful way without careful deliberation. ACCT is made up of three adjuncts and three full-timers and one adjunct moderator with the intent to flesh out these issues in a deliberative way to bring a recommendation backed up by research and a reasonable model. I don't think it's a dichotomy. I think really we all are interested in equality — I don't think we know what equality means. I do not understand what equality means in this context and I hope ACCT will sort that out.
- I have looked at about 20 contracts. We're not going to find a model in there. AFA is forward thinking. AFA has always been on the cutting edge. If we're looking to match what another school has done, I don't think it's going to happen. We're never going to have an education model that's 75/25 — it's never going to go back. Having a contingent workforce is saving money. We should be finding a way to come together and pull the best ideas out and still have a vision that SRJC isn't going to follow what other colleges do — we're going to be one of the leaders. Hopefully there can start to be a dialogue and people working things out in departments. In business, people are saying, "we can bust these unions." We're sitting here in two concentric circles pointing guns at each other. We need to gather some information. I understand frustration — but ultimatums make people upset. On the other hand, there's something that doesn't sound right about 13 and 6. I would urge us to make something that is actually equitable with all the things equality stands for. I don't know what that looks like either, but I know when that doesn't feel right. Thirty-eight people made the difference on the last TA. I think 500 sections would have been cut. This has been a good discussion. Just as we're developing curriculum, we should be looking at how departments should be run more efficiently. They're asking us to do more with less. The two-year college is going to look completely different in five years.
- The idea of apathy is a specious argument. Over a year ago in May, this room was filled with adjunct faculty. We can be fired at any time for no reason. I don't buy the argument of apathy — adjunct have to be careful about standing up.
- All across the country there are conferences and discussions going on about "contingent" labor. The choice between full-time and part-time is coming up everywhere. The term "contingent" takes in everybody — hourly, part time, non-tenure track — and it takes in an increasing number of full-timers who don't get on the tenure track. It's the term that is used in the literature. Union busting and destruction of the academic system is going on everywhere. We should be talking about solidarity and taking care of all of us.
- More than 95% of the time, part-time and full-time faculty are in complete harmony about things that come before the Council. The only time there's disagreement is when we talk about cuts. I honestly cannot imagine what would be the negative result of having equal representation of part-time and full-time instructors. A name has powerful connotations — contingent, adjunct, or calling AFA the "All" Faculty Association. The cut in pay is the issue that divides us. If we came together as one, we would work hard to negotiate what's the best for the both of us. When everyone is in agreement, all is well and good; but, when

divisive action hits, adjuncts are without a voice. I really think that change is in order. I think it can be done and it would make us a stronger group. I'm sure the administration isn't losing any sleep over our divisiveness.

Following the discussion, by a show of hands, the Council approved a motion made by Cheryl Dunn and seconded by René Lo Pilato to forward the amendment to the ACCT, in lieu of sending it to the membership at this time, so that ACCT can consider it as one of their options in the work that they will be doing (14 in favor, 3 opposed).

### MAIN REPORTS

1. Conciliation/Grievance Report. This report and subsequent discussion were conducted in closed session.
2. Negotiations Report. This report and subsequent discussion were conducted in closed session.
3. President's Report. Warren Ruud presented brief reports, as follows:
  - September Board of Trustees Meeting. Dr. Agrella announced that he would be retiring at the end of June 2010; the Board ratified the 8.18.10 Tentative Agreement between AFA and the District; and the District published their sunshine list of negotiation items for 2010-11.

In response to a question about the role of AFA and the Academic Senate in the process of hiring a new superintendent/president, Warren said that AFA does have an interest; however, he does not know whether the organization will have any standing on the hiring committee. Brenda said that the recruitment and hiring of a new president falls under the purview of the senate. The senate will be holding a mini-retreat focusing on that issue and will appoint a faculty member to serve on the search and hire committee. She suggested that it would be beneficial if the senate's appointee knows something about AFA, in order to ensure that AFA's concerns are taken into account (e.g., what is the candidate's experience in negotiating and working with unions?). It was noted that Brenda and Michael Ludder serve as representatives on both AFA and the Academic Senate.
  - Institutional Planning Council (IPC). At the last IPC meeting, members discussed District Policy 3.6 and vice presidents presented their end-of-the-year reports. Any Councilor interested in viewing the reports, each of which is from 5 to 25 pages in length and include matrices of goals and objectives, should contact Warren or Brenda. The District is tracking progress towards specific goals and objectives in anticipation of the next accreditation visit and the reports document the District's activities, decisions, and timelines. Brenda noted that IPC is responsible for all of the planning that occurs in the institution and this new tracking and reporting method provides for greater accountability and easier access to information. Program and Resource Planning Process (PRPP) documents are also intersected into the reports. (The reports are now posted at: (<http://www2.santarosa.edu/pages/planning/districtwide-plans-goals-and-policies.php>) )
4. Publications. Julie Thompson informed the Council that AFA staff would soon be sending out a newly formatted and interactive email publication ("Click to AFA") with links to information about hourly assignments, retirement, the Adjunct Medical Benefits Program, and other issues. (See <http://www.santarosa.edu/afa/clicktoAFA/100923.html> .) All faculty members on Outlook will receive this email, the first screen of which will display the lead page of an Update article on independent unions, along with the introductory lines to several other articles, and corresponding hot button links that will take the reader to complete pdf versions of each article. Julie expressed appreciation to the AFA staff for their efforts. She also requested feedback from the Council in response to this pilot attempt at an increased online presence, and welcomed suggestions or other ideas for future articles.

The meeting was adjourned at 5:05 p.m.

Minutes submitted by Judith Bernstein.