

Side Letter Agreement
between the
All Faculty Association
and
Sonoma County Junior College District
regarding
Effects of District Emergency Action Due to Coronavirus Pandemic
August 6, 2020

This Side Letter is made by and between the Sonoma County Junior College District ("District") and the All Faculty Association ("AFA"). The purpose of this Side Letter is to address the effects on working conditions resulting from the District's action to operate the instructional program and student services remotely through the end of the Fall 2020 semester, consistent with its authority under the EERA to act in case of business necessity. This Side Letter is anticipated to be in effect for the Summer and Fall 2020 terms.

On March 18, 2020, the Sonoma County Health Officer issued a Shelter in Place Order.

On March 19, 2020, the State of California issued a Shelter in Place Order.

On March 24, 2020, the Sonoma County Junior College District proclaimed a state of emergency.

On April 30, 2020, President Chong advised the college community of the following decision: "SRJC will continue to operate the instructional program and student services remotely through the end of the fall semester."

On May 24, 2020, Santa Rosa Junior College received approval from the Sonoma County Health Officer to reopen the Public Safety Training Center and Health Sciences programs under Governor Newsom's Executive Order N-33-20 that designated "Essential Critical Infrastructure Workers" to help ensure continuity of functions critical to public health and safety. As such, training first responders is covered under Sector 8: "Government Operations and Other Community-Based Essential Functions" as an essential workforce where remote work is not practical or allowed by regulations. This includes: "Workers and instructors supporting academies and training facilities and courses for the purpose of graduating students and cadets that comprise the essential workforce for all identified critical sectors." These programs are approved to remain open through Fall 2020.

On August 4, 2020, Santa Rosa Junior College received approval from the Sonoma County Health Officer to continue in-person instruction during Fall 2020 for courses in programs offered at the Public Safety Training Center and in Health Sciences. The approval also included a limited number of other courses permitted to be offered in a hybrid format with some in-person instruction. COVID-19 in-person

instruction protocols for Fall 2020 will be negotiated between AFA and the District for these courses.

As of the date of this side letter, all other in-person higher education is directed to remain closed statewide (see <https://covid19.ca.gov/education/> and <https://covid19.ca.gov/roadmap-counties/>) except where supporting essential workforce activities (<https://covid19.ca.gov/essential-workforce/>), including providing “training and instruction for the essential workforce.”

In the event that the Sonoma County Department of Health and State orders permit offering additional Fall 2020 course/programs for in-person delivery, AFA and the District will negotiate COVID-19 in-person instruction protocols for all courses/programs approved.

Sonoma County Department of Health Services Orders are amended as the COVID-19 pandemic evolves. A list of all orders issued since March 17 can be found at: <https://socoemergency.org/emergency/novel-coronavirus/health-orders/>.

A. Temporary Measure with No Binding Effect. AFA and the District acknowledge and agree that the current transition to a remote instruction and service format is temporary, and for the purpose of implementing preventative measures in compliance with the sheltering-in-place orders, while continuing to provide instruction to the students of Santa Rosa Junior College. Nothing in this agreement will prohibit the District from exercising its right of assignment. These measures, and the terms of this agreement, shall apply only through Fall 2020.

B. Leaves

1. Faculty members who do not wish to fulfill an in-person assignment may opt to use personal necessity leave in lieu of performing the assignment.
2. Faculty members who exercise the option to use personal necessity leave in lieu of performing a Fall 2020 semester-length assignment whose start date is during the week of August 17 must notify the Department Chair and Supervising Administrator via email by midnight on August 2, 2020. For Fall 2020 assignments that begin August 24 or later, AFA and the District will negotiate and announce deadlines for faculty members to notify the Department Chair and Supervising Administrator of their decision to opt to use personal necessity leave in lieu of performing the assignment.
3. If a faculty member has chosen to use leave in lieu of performing an assignment, and the assignment is later cancelled by the District due to low enrollment or because the District has decided not to offer the course, the faculty member will remain on leave from the assignment provided the deadlines referenced in B.2 were met.

C. Remote Working Conditions.

1. The District acknowledges its obligation to comply with all federal and state requirements for distance education accessibility during the COVID-19 emergency.
2. Converting course content to an accessible format:

- a. Faculty members may choose to convert their own course content to an accessible format, and the District's Online Accessibility Team will provide technical support and professional development.
 - b. Faculty members who choose not to convert their own course content will provide the District's Online Accessibility Team access to the online course, and the Team will convert the faculty member's content to an accessible format.
 - c. In the event that a faculty member or the District is unable to provide timely accessibility in a specific case, the faculty member will notify their Supervising Administrator. In such cases, the District will make every effort to ensure accessibility and assist the faculty member in providing approved accommodations, and the faculty member will provide course access to facilitate District efforts.
 - d. Access to faculty members' online courses per 2.b-c will be limited to only those instructional materials that need to be converted and solely for this purpose.
3. The parties acknowledge that, in circumstances where the District can establish an undue burden, the District may be unable to provide equal access through auxiliary aids or resources (Section 504 of the Rehabilitation Act and the Americans with Disability Act [ADA]) or accessible electronic and information technology (Section 508 of the Rehabilitation Act).
 4. Online College Project. Faculty members interested in creating courses to be offered online on an ongoing, non-emergency basis will be able to apply for compensation through the Online College Project. AFA and the District will negotiate the specific terms and conditions for this option in a separate side letter.
 5. Mentoring program: Flex or PGI. Faculty members may claim up to 12 hours of FLEX or PGI (each 12 hours = 1 PGI unit) for mentoring faculty colleagues on remote instruction and services. Faculty members interested in providing mentoring will submit their names to the Office of Distance Education. A list of these names will be published on the Distance Education website and distributed to the faculty via email. Mentors will track their hours and keep a list of faculty members that they have assisted using the District-provided form.

D. Evaluations

1. Tenure Review. As with all other evaluations scheduled for Fall 2020, evaluation ratings will be based solely on subject matter content.
 - a. The tenure review process for faculty members in years 2, 3, and 4 will proceed according to the provisions of Article 30.
 - b. Faculty members in Year 1.

- i. Fall 2020. Faculty members in Year 1 will complete a self-assessment and have supportive observations by their tenure review teams during weeks 5-8 of the Fall 2020 semester. If, based on the supportive observations, the tenure review team deems it necessary and by the end of week 9, the team will schedule formal observations during weeks 10-15.
 - ii. Spring 2021. Formal evaluations for all faculty members in Year 1 will take place in Spring 2021 and be included in the 2021-2022 tenure report.
- 2. Regular and adjunct faculty evaluations. Regular and adjunct faculty members who are due to be evaluated in Fall 2020 may choose among the following options:
 - a. Proceed with the evaluation as usual
 - b. A supportive observation
 - c. A self-evaluation
- 3. Out-of-cycle and follow-up evaluations. These evaluations will follow the process and timelines in existing contract language. As with all other evaluations scheduled for Fall 2020, evaluation ratings will be based solely on subject matter content.
- 4. Parameters for supportive observations, self-evaluations, and student evaluations will be developed by TREG before the first day of the Fall 2020 semester. TREG will also develop a rubric and provide trainings to assist teams performing online evaluations.

E. Grievances. Time limits to file a grievance may be extended in any specific instance by mutual agreement of the parties in writing. This is in effect through December 31st, 2020; thereafter, the thirty (30) day time limit to file a grievance will resume pursuant to Article 11.04(B), unless otherwise negotiated.

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Sean Martin, President
All Faculty Association

Dr. Frank Chong, President/Superintendent
Sonoma County Junior College District