

President's Report

ACCJC Rerieved With Short Extension

by Richard Hansen, *FA President*

Postponed from its usual December meeting time, the National Advisory Committee on Institutional Quality and Integrity (NACIQI), finally met in Washington DC, February 22-24, to review a set of accreditors, one of them, the Accrediting Commission for Community and Junior Colleges (ACCJC). At 8:30 on the morning following an initial afternoon spent listening to what are referred to as "third party comments," question and answer cross-examinations of presenters, and ACCJC responses, the Committee took less than ten minutes, with no substantive discussion, to vote in favor of extending recognition of the ACCJC for 18 months. It looked like a significant number of committee members were not yet present, but a quorum was declared, and a show of hands indicated a clear majority of those present in favor of this motion, but two "no" votes were also recorded. The chair did not ask for abstentions.



Hansen

As the awkward name implies, NACIQI is "advisory" to the U.S. Department of Education (USDoE) on matters concerning accreditors of educational institutions of all types and at all levels. Reviewing accreditors on a periodic basis or when an accreditor seeks a change of its scope or policies constitutes the bulk of this committee's work. It does a great deal of background research for the USDoE for its recommendation, but it is the USDoE that makes the final decision about reaffirming an accreditor's status or approving the change or changes the accreditor has requested.

In the past, NACIQI has made recommendations that differ from the USDoE Preliminary Staff Report. This time, NACIQI concurred with the Preliminary Staff Report, which also recommended an 18-month extension of recognition. It also agreed with the

Preliminary Staff Report recommendation to lift an April 2016 hold placed on ACCJC review of institutions granting a single baccalaureate degree.

Unfortunately, the lack of discussion at the NACIQI meeting makes it look like the USDoE made the call ahead of any NACIQI deliberations. In addition, both the Preliminary Staff Report and the NACIQI recommendations follow closely on the long-delayed delivery of the ACCJC response to the complaint filed on October 27, 2016, on behalf of City College of San Francisco (CCSF) AFT Local 2121, the California Federation of Teachers (CFT), and the California Community College Independents (CCCI).

Such a response normally comes within 30 days, but it took the ACCJC three and a half months to respond. This delay appears to have been the cause of the postponement of the NACIQI meeting and, with the substantially similar content found in the USDoE Preliminary Staff Report and the ACCJC response to the complaint, collaboration between the USDoE and the ACCJC appears likely.

Third party commenters from CCSF were disappointed with the NACIQI outcome. They hoped for a harsher judgment, going so far as advocating that ACCJC ought to lose its federal recognition. This, however, was not likely because pulling the recognition of the ACCJC would leave the California Community Colleges (CCC) and other two-year institutions in the Western Region without an accreditor, a dangerous prospect for the colleges and a downright frightening one for most college presidents and district chancellors.

In this regard, it is important to understand the NACIQI and USDoE decisions in the context of the CEO Workgroups I and II that are exploring the possibility of moving to a different accreditor. These Workgroups were formed early in 2016, after the CCC Board of Governors endorsed the Third State Chancellor's Office Accreditation Task Force recommendation that the system seek a "new model for accreditation" because the ACCJC had lost the support of the system and no longer met the needs of the colleges.

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The Board sanctioned CEO Workgroup I to engage with the ACCJC to address its deficiencies and stabilize the situation while Workgroup II was charged with exploring alternative accreditation options. At this point, Workgroup I is still meeting with the ACCJC, but admits, in its most recent report, that progress has been slow.

For its part, Workgroup II announced its conclusion in late January at the Community College League of California's Legislative Conference that the two-year colleges in the Western Region should align with their four-year partners in a single higher education accreditor. The group points to the present four-year accreditor, the WASC Senior College and University Commission (WSCUC), as the most likely prospect. In fact, WSCUC has two members attending Workgroup II meetings: the current WSCUC President and the WSCUC Chair, a professor of Linguistics at UC Santa Cruz. NACIQI/USDoE also has a representative attending.

These two Workgroups will be reporting on their progress and presenting their conclusions at a CEO symposium in Solvang over the February 25-26 weekend. It will be interesting to learn what comes from this meeting. Rumors are that some CEOs are becoming nervous about leaving the ACCJC and are hopeful that the improvements since the departure of Barbara Beno from Commission leadership together with the progress made by Workgroup I might be enough to allow the colleges to stay with the ACCJC. On the other hand, CEOs favoring the Workgroup II option are said to be "frustrated" with the slow progress toward that goal. Coming on the heels of the February 22-24 NACIQI meeting, maybe some of this will be worked out at the Solvang CEO symposium.

State level faculty organizations are hopeful the CEOs will support the Workgroup II recommendation and stay the course toward moving the California Community Colleges

to a new single accreditor for all of higher education in the Western Region.

The NACIQI hearing made it clear that the ACCJC, under the new leadership of Interim President Richard Winn, is working hard to save itself. Appointed in December 2016, Winn retired from WSCUC in 2015 where he was Senior Vice President.

Under Winn, the combative tone of the ACCJC, evident under Beno's leadership when criticized at NACIQI hearings, has been replaced by an accommodating attitude. Working as hard as it is to please its critics, it is possible that the ACCJC was as disappointed in the NACIQI recommendation as the CCSF faculty who attended the meeting to voice third party comments. Reaffirmation of accreditor status is usually granted for 10 years, not 18 months, so it is clear that the ACCJC has not yet won the confidence of the USDoE.

It could be that the USDoE is doing what Workgroup I intends: keep the ACCJC intact while Workgroup II works out the details of a migration of ACCJC accredited colleges into the WSCUC. In this regard, it is important to note that the CCC State Chancellor also paid a recent visit to Washington DC and issued a letter to NACIQI the day before the hearings started, mentioning Workgroup I and its effort to improve the ACCJC. While the letter did not mention Workgroup II and its investigation of alternative accreditors, the Chancellor's Office has had recent discussions with California Congressional representatives who favor moving the colleges to a new accreditor. Among these are San Francisco Representative and House Minority Leader Nancy Pelosi, Northern Peninsula Representative Jackie Speier, and South Bay Representative Anna Eshoo, all of whom signed a letter to the USDoE and NACIQI last year asking these agencies to support and assist the community college system in its search for a new accreditor.

Maybe this is exactly what NACIQI and the USDoE intend via a limited extension of recognition for the ACCJC.

FA Seeks Faculty for Two Spring Openings

FA has a one quarter leave replacement opening in Spring for Executive Secretary, as well as an opening for an Executive Council position for a full-time Foothill instructor. Interested faculty should send a letter of interest to Susanne Elwell in the FA office (ElwellSusanne@fhda.edu, 650.949.7544) by noon on Monday, March 10.

Both positions are for Spring Quarter only. A major part of the Executive Secretary job is to represent FA on several committees, such as the FA Political Action Committee, Foothill's Committee on OnLine Learning (COOL), the PDL Committee, and the FA Elections Committee. The Executive Secretary also attends FA staff meetings once a month. This position comes with one class release time, and offers the opportunity to work closely with FA staff and to learn more about district governance.

The Executive Council position involves attending Council meetings on the first and third Wednesdays of the month from 3:00 to 5:30 pm, and acting as a liaison to a division on campus. Members are paid \$100 for attending each Executive Council meeting. Appointments for both positions will be made at the March 15th Council meeting.

Negotiations Update

District Tone of Mistrust Slows Progress on 2016-19 Agreement

by Kathy Perino, *FA Chief Negotiator*

With the FA-FHDA contract expiring back in June 2016, I started this academic year anticipating the new three-year Agreement would be ratified by the end of Fall Quarter, but now I am hoping it might be done by the end of Winter Quarter. However, in negotiations over the few unresolved articles—primarily Article 16: Leaves and Article 6A: Probationary Faculty—a noticeable shift in tone has crept into the conversation.



Perino

FA approaches each negotiations issue by trying to find a positive way to solve a problem, and we'd like to believe the administration tries to do the same. But the recent tone at the table indicates the District's approach is not to resolve but rather to "prevent" faculty from what it perceives as getting out of doing their job at the expense of students.

An example: when we began negotiations on Article 16: Leaves, FA attempted to clarify that when using Personal Necessity Leave (PNL) to attend conferences, the selection of the conference is left to the professional judgment of the faculty member, provided the conference is related generally to the teaching profession or specifically to one's area of assignment. In other words, if a faculty member chooses to use a day of earned Personal Necessity Leave, as opposed to a Flex Day under Appendix H, an option that does not affect accrued leave, the dean cannot deny the leave because he/she does not like the focus of the conference or because the faculty member attended the same conference before.

In response, the District negotiators have introduced language that requires another step to the use of PNL: the completion of Appendix H4, the application for a Flex Day! So, even though the faculty member has likely already filled out a form for conference funding, which requires the dean's signature, and has likely contacted the dean to request a substitute, he/she must fill out yet another form a week in advance to submit to the dean.

When asked how this extra step improves the process, or what problem it resolves, FA was told this new form will improve communication between faculty and deans and give them an opportunity to discuss options for alternative assignments for students. FA

assured the District negotiators that faculty are acutely aware of the impact of their absence from a class and are able to design their own alternate assignments. An additional form is not necessary for, nor a guarantee of, improved communication.

Continuing with the Leave article, despite the existence of Article 16.5, which states "Whenever possible, personal necessity leave shall be approved and scheduled in advance in writing," the District is proposing new barriers to the use of PNL. For example, Article 16.1.2 stipulates PNL can be used for "Appointments for the purpose of conducting personal legal affairs or financial transactions that cannot be conducted outside of working hours." For FA, this language makes clear enough that a faculty member should try to schedule such appointments outside of the hours of instruction, but if doing so is impossible, it is appropriate to use PNL. The administration, however, again wants to impose another meeting between the dean and faculty by adding this language: "when such appointments cannot be scheduled outside of working hours, the faculty employee, in consultation with the dean, shall schedule the appointments in such a manner to have the least impact on students and/or the program." Clearly, the District believes faculty are unable to decide independently what is best for their students, and we need the help of the dean to schedule our legal appointments.

Since the Agreement already states that whenever possible, PNL shall be approved and scheduled in advance, FA has assured the District that faculty do consider the impact their absence has on students and thus opposes this new requirement of consultation with the dean to help schedule appointments. Rather than change the language in the Agreement, a simple way to solve this "problem" is for the dean to include a reminder about advance notification of PNL in the "things to remember this quarter" email typically sent out at the start of each quarter.

Lastly, what appears to be the highest hurdle to clear to complete negotiations of the 2016-19 Agreement is solving the "prob-zero" issue in the tenure process (Article 6A: Probationary Faculty). AB 1725 brought the four-year tenure process to the California Community Colleges, and from 1989 until 2012, the year prob-zero language was written into the Agreement, we were able to navigate the impact of leaves of absence during this process. Prior to our existing prob-zero language, when a faculty member in year two, three, or four

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District Tone of Mistrust . . .

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was planning a maternity leave, for example, the faculty member worked with the Tenure Review Coordinator and the Tenure Committee to schedule required evaluations around the leave. Most often, all required evaluations were completed and progression through the process was based upon the results of those evaluations.

Since introducing the prob-zero year definition into the *Agreement*, a number of faculty have been required to repeat a year of their probationary contract when they fail to complete 75 percent of an academic year. Although the prob-zero year language applies to any type of leave, *FA* believes this language disproportionately affects faculty who take maternity leave during the tenure process. *FA* has requested data to confirm this suspicion.

FA strongly believes not all faculty who take a leave of absence should be required to repeat a year of tenure. The proposals *FA* and the administration have traded about how to fix this problem differ in what might appear to be subtle ways. The District has proposed that a prob-zero year be declared “automatically” if service falls below 75 percent unless a special request for an exception is made. *FA* had proposed a year with service between 60 and 75 percent “automatically” count toward tenure unless a special request for a prob-zero declaration is made.

While these may seem like minor differences, it is the tone of the comments made in the discussions that *FA* finds most disturbing. We are told tenure decisions are “million dollar decisions,” and the only role of the Tenure Committee is to evaluate, because ultimately, the decision to advance faculty through the tenure process is not in the hands of the

Committee, but rather is up to the President and the Board of Trustees. This is technically true contractually, but to minimize the importance of the committees’ opinions in these recommendations is insulting to the faculty who do this work.

FA has also been told that it might not be a good idea to involve the Tenure Committee in the process regarding a prob-zero year determination because the committee members may make a recommendation based on not wanting to have to repeat their evaluative work during a subsequent year. Again, note the tone: the District seems to believe faculty are more interested in getting out of their work than completing it with integrity. Evidently, we would “push someone through” the phases to grant them tenure, even if it means our department will have this faculty member as a colleague for 20 or more years, rather than do a few extra evaluations. Further, the District’s proposal sets a double standard: administrators have been permitted to advance multiple faculty, who did not take leave, without requiring the completion of all evaluations.

Most recently, *FA* proposed that there be no default determination for years in which service is between 60 and 75 percent. Rather, in each of the cases, the College President, in consultation with the Tenure Review Coordinator and the Committee, decide whether or not the year be declared a “prob-zero” year based on three factors: the quality of the evaluations, the completeness of all requested evaluations, and the degree to which the committee had an opportunity to review all aspects of the probationary faculty member’s job.

This proposal was met with a series of confusing questions suggesting the President may not have the time to review all cases (there are only one or two each year district-wide), or may want to make a determination but not provide any reasons for the decision to the candidate or the tenure committee. *FA* was left to ponder why we should take the time to negotiate language that recognizes a need for a case-by-case review but at the same time allows for a unilateral decision.

As faculty, we continually try to balance equity (helping all our students succeed) with equality (applying our policies uniformly and fairly). But that balance is missing from the District’s tone and its “blanket policy” proposals— *FA* hopes that future negotiations demonstrate the District agrees both “equity” and “equality” matter for faculty, too.

Note: The negotiating team is close to an agreement with the District on a proposal for PGA credit or a stipend for online course conversion to Canvas. Details will be published in the March *FA News*.

Observations from the FA Retreat

Have We a New ‘Don’ for Higher Ed?

by Steve Howland, *FA News* Editor

The chief theme of the annual *FA* retreat – and how could it be otherwise? – was confronting the new political reality.

FACCC Executive Director Jonathan Lightman detailed several stark scenarios. For instance: at present the federal government still distinguishes between private proprietary institutions and public and high end private colleges and universities. Currently, all are subject to federal oversight through the accreditation process if for no other reason than one role of the feds is to serve as a big bank for students, many of whom can’t go to school without big federal aid. But the new administration in Washington may just say “we don’t need to be in the business” of requiring accreditation, preferring to “level the playing field” by allowing more federal aid such as Pell Grants to flow to students attending for-profit schools such as the U’s of Phoenix and Trump. With this simple expedient, “new markets” could open up in education, favoring ‘single-subject’ or for-profit schools over multiple curriculum education – and a kind of race to the bottom of academic quality could ensue as more proprietary schools are created.

Such a development could – ironically – push the California Community Colleges into defending the ACCJC, our much-maligned accreditor.

That’s the Brave New World we might be entering.

At this point, it’s possible to discern the outlines of an emerging strategy in Washington: shrink the economic pie even as you proclaim its growth, accelerate the dividing of spoils and opportunities for predation among natural-born monopolists or the well-connected, apply business logic to higher education, undermine collective bargaining across the board, and extort greater concessions from an increasingly battered and shaken public in exchange for ‘protection’ against various scapegoats.

The stage for such dark thoughts was set by the retreat’s opening night presentation by labor historian, California Federation of Teachers (CFT) Communications Officer, and City College of San Francisco instructor, Fred Glass, who in a sweeping tour of California labor history thankfully provided hopeful models of ways to leverage labors’ bargaining position.

Glass pointed out that gold-rushes – from mining gold to data – and migrations from points both domestic and international are the prime movers in California history, but most people who came here didn’t get rich. He also noted that California is no longer an “anti-tax stronghold” with the recent passage of Prop 30 showing what unity among this

Apply for PGA, PAA this Spring!

Full-time faculty should be aware that there are contractual ways to increase your salary. Professional Growth Activity (PGA) increases your pay by advancing you either on a salary step or a salary column. PGA is recorded on Appendices O1, O2, and O3. The Professional Achievement Award (PAA) is for those full-time faculty who are on Step 13 of the salary schedule. The deadline for submitting PGA is June 1, and the deadline for submitting a completed PAA application (Appendix I) is July 1.

FA is hosting PAA workshops on both campuses. All full-time faculty are invited to attend a PAA workshop at either campus. The workshop covers eligibility criteria, the application process, PGA, and special service requirements. Faculty are encouraged to

read *Article 38* before the workshop; this may be found under the *Agreement* tab at fahda.org.

PAA Workshops at De Anza:
Monday, March 13, from 2:00 to 3:30 pm in MLC 246 (Staff Development Office);
Thursday, March 23, from 1:00 to 2:30 pm in Admin 109; and

Thursday, May 11, from 1:00 to 2:30 pm in Admin 109.

Please pre-register for the De Anza workshops by emailing Mary Kay Englen at staffdevelopment@fhda.edu

PAA workshops at Foothill:
Monday March 6, from noon to 1:00 pm in FH 5971 Conference Room; and
Thursday, March 16, from noon to 1:00 pm in the Toyon Room 2020.

Observations from FA Retreat . . .

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of transparency in scheduling, especially for part-time faculty: many schedulers don’t allow faculty an opportunity to review the schedule to suggest changes and some don’t even look at re-employment preference. Instructors shouldn’t have to find their schedule by checking the portal when registration begins, and there should be a chance to modify schedules through conversations with the schedulers and deans.

Hansen noted also that the percentage of instruction done by full-time faculty is down to 55 percent statewide and a historic low of 48 percent for our district! And the Governor’s budget in January did not include money for full-time hires; instead, it has another new, well-funded program, “Guided Pathways.”

Local challenges are echoed at both the state and national levels. Joined by FACCC’s most recent addition to the staff, Legislative Assistant Cynthia Castillo, Lightman, in a Friday morning session, invoked the need for eternal vigilance on a host of issues, including the right to bargain collectively. Those who hoped to bankrupt unions through last year’s Freidrichs case are waiting for the next opportunity, and one court case likely to advance once the empty supreme court seat is filled is Janus vs. AFSCME, which could address the question of whether the federal government can impose a national right to work standard.

Retirement Workshop, Friday, May 5

The biennial Retirement Workshop for ALL district employees is scheduled for Friday, May 5, 2017, at De Anza College. Tentatively, the workshop includes sessions on CalSTRS, CalPERS, Social Security, and Medicare. There will be a session exclusively for part-time faculty. Faculty at all stages of their career are encouraged to attend. It is never too early to plan for your retirement. See future issues of the *FA News* for more details.

NEWS

Volume 41, Number 5

FOOTHILL-DE ANZA FACULTY ASSOCIATION

FA News is published nine times during the academic year by the Foothill-De Anza Faculty Association, an independent California corporation certified by the California Public Employment Relations Board as the exclusive employee representative for the faculty of the Foothill-De Anza Community College District.

Letters and articles from District faculty are invited. *FA*, 12345 El Monte Road, Los Altos Hills, CA 94022. Ph: 650.949.7544 Email: ElwellSusanne@fhda.edu Website: <http://fa.fhda.edu>

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