

EXECUTIVE COUNCIL MINUTES
Meeting Held November 1, 2023

PRESENT: Viviana Alcazar, Erick Aragon, Raymond Brennan, Mary Donahue, Laura Gamez, Jordana Griffiths, Julie Jenkins, Ellen Judd, Brendan Mar, Rachel Mudge, Jim Nguyen, Kim Palmore, Kathy Perino, Tim Shively, Robert Stockwell, Felisa Vilaubi.

GUEST: Nicole Gray.

M/S Agenda approved as written. Vote unanimous.

M/S Minutes approved as written. 15 -in favor, 0 – opposed, 2 - abstentions.

ARBITRATION REQUEST

Grievance Officer Nicole Gray distributed a document outlining the criteria that should be used in deciding whether or not to carry a case to arbitration: 1) the likelihood of a favorable ruling by an arbitrator 2) the potential impact on the *Agreement*, 3) the recommendations of legal counsel, and 4) the cost to the Association both in staff time and money. Gray then distributed the contract language relevant to the case.

Cautioning the need for strict confidentiality and to restrict decisions to the facts as presented, documentation on the particulars of a case were presented in which a faculty member had been placed on administrative leave without either the respondent or the union being provided the original complaint or the findings of the subsequent investigation. The opinion letter from legal counsel was also distributed with their analysis and recommendations. An extensive discussion took place on the merits of the case and which of the issues could be handled through either the Unfair Labor Practice (ULP) complaint that has already been filed with the Public Employee Relations Board (PERB) or the planned negotiations regarding a new article on Faculty Rights during Investigations.

M/S that FA not carry this case to arbitration. Vote unanimous.

PAC UPDATE & BUDGET APPROVAL

Executive Secretary Robert Stockwell gave a brief overview of the structure of the Political Action Committee (PAC) which has five voting members including himself, Vice President Jim Nguyen, Kerri Ryer, Danny Solomon and Tim Shively as the Committee Chair, De Anza representative, Foothill representative, Part-time representative, and FA President respectively. The traditional role of the PAC is to endorse candidates and make campaign contributions, but over the last 10 years this has expanded to include sponsorship of an internship program, working closely with students on community organizing, and campaign and policy work.

Stockwell reviewed the proposed 2023-24 PAC budget noting that much of the expenditures from faculty contributions was dedicated to stipends for an intern coordinator and faculty mentors at each campus who support the running of the internship program. Funding for the interns themselves is provided by the Associated Students of Foothill College (ASFC) and the

De Anza Student Government (DASG). Stockwell outlined the roles of the faculty mentors and the amounts that each would be paid.

M/S to support the PAC budget as proposed. Vote unanimous.

MEMBERSHIP DRIVE

Stockwell shared the text of a draft email that the Membership Committee is planning to send to all non-members by Friday of this week. Stockwell noted that everyone who had expressed interest in participating in the membership drive should already have access to the Google doc that contained the text of this email, and he invited them to make any changes they deemed appropriate. Efforts undertaken to reach out to department chairs have already resulted in the addition of four new members. Stockwell encouraged the council members to review the list of non-members and indicate their willingness to reach out to any individuals that they had a personal connection with. The Membership Committee will also be holding a meeting soon to further strategize on this drive.

CCCI REPORT

Nguyen stated that the California Community College Independents (CCCI) Conference held last week in San Diego had been his first and was attended by members of the thirteen independent faculty unions not affiliated with the big national unions like the California Federation of Teachers (CFT) or California Teachers Association (CTA). The event provided an opportunity to learn what is going on in these other districts, as well as get legal, state budget and legislative updates. The results of a recent survey were shared about items like salary increases and membership dues. Nguyen stated that FA dues were about in the mid-range with some unions opting for a flat rate contribution and, for those charging a percentage of gross income, running as high as 1.11 percent for full-time and 0.53 percent for part-time faculty at Redwoods. Nguyen reminded the council that FA currently charges 0.6 percent for full-time and 0.45 percent for part-time faculty, but noted that this may need to be increased to match Santa Barbara's rate of 0.7 percent for full-time and 0.5 percent for part-time. Our district's recent salary increase of 7.22 percent was the largest in the group with Nguyen noting that some had received a percentage increase plus a cash amount.

The requirement for districts to negotiate the evaluation on Diversity, Equity and Inclusion Access (DEIA) was also discussed at the conference. Gray clarified that the state chancellor's office had issued this requirement, together with sample guidelines that many Academic Senates were choosing to adopt as-is. This has been causing conflict with the unions because of the negotiability of the issue. Two lawsuits have already been filed and many districts are awaiting the decisions on these before moving ahead.

Stockwell reported that the Fifty Percent Law, which requires that at least 50 percent of the general fund be spent on the cost of instruction, was discussed as it is currently under attack from administrators seeking "flexibility." The results of an audit that will be looking at spending trends will be released in February. Legislative Advocate David Balla-Hawkins had expressed excitement about what would be revealed in this report, sharing the results of the previous audit which showed that there had been a 45 percent growth in administrative positions while at the same time enrollment had declined by 16 percent. Associate Secretary for Part-time Faculty Interests Raymond Brennan stated that the previous audit had also

indicated that many districts were losing ground in the goal of having 75 Percent of instruction taught by full-time faculty, noting that the chancellor's office was doing nothing to address this.

DISTRICT BUDGET UPDATE

Chief Negotiator Kathy Perino reported that there had been no meeting since her last report.

NEGOTIATIONS/CONTRACT REVIEW UPDATE

Perino stated that there had also been no negotiations sessions with the District since the last council meeting. Meanwhile, the negotiating team is continuing work on drafting the language for the new article on Faculty Investigations. The District has indicated an interest in discussing the filing of leave reports for those who don't attend opening days. They also want to talk about the Memorandum of Understanding (MOU) on attendance at commencement, which currently indicates a shared interest in having 50 percent of faculty in attendance. Perino stated that she did not yet know the specifics of the District's interest in either topic.

Discussions are also planned regarding improvements to Part-time Health Benefits and proposed revisions to the District's Administrative Procedures regarding Computer and Network Use.

PRESIDENT'S REPORT

Shively reported that union members in the California State University (CSU) system had voted to authorize a strike, with approximately 95 percent voting in favor of the action if it should become necessary.

Shively stated that he had read the interview with Nguyen printed in a recent issue of *La Voz* which had tied into a complaint from a reader of his own article in the *FA News* that had touched on the conflict in the Middle East. Shively noted the sensitivity of this topic and anticipated that FA might be called upon to advance a position on the issue. While Shively didn't believe that it would be appropriate to validate any particular "side" given that we represent all faculty, he stressed the importance of educating ourselves about the basis of the conflict and perhaps arriving at some agreed principals about the role of unions in responding to geopolitical conflict.

FOOTHILL GOVERNANCE UPDATE

Jordana Griffiths reported that she had read bullet points provided by Perino that gave FA's position on regular and substantive interactions (RSIs) at the Academic Senate meeting on October 30, but that the group had not been ready to respond at that time. The topic is up for discussion at the meeting next Monday. Julie Jenkins, who is also on the Committee on Online Learning (COOL), added that she had been hearing a lot of mixed reactions about the RSIs within her own division and had been stressing the fact that the document was a long way from being finalized.

DE ANZA GOVERNANCE UPDATE

Erick Aragon stated that the Resource Allocation and Program Planning (RAPP) Committee was continuing its work reading the Student Services Comprehensive Program Reviews.

EQUITY TASK FORCE UPDATE

Laura Gamez stated that Felisa Vilaubi had just volunteered to be the De Anza Co-Chair on the Equity Task Force. The group met briefly on October 24 and talked about bringing Alex Locust back for additional workshops. The membership drive was also discussed, with plans to do outreach through informal meetings at each campus and online. Gamez also reached out to FA's part-time representatives to strategize on best methods to reach out to non-members.

PART-TIME REPORT

Brennan reported that the Part-time Pay Parity Bill had died in appropriations because the projected costs would be too high. Brennan stated that, according to an unofficial study which factored in all the benefits denied to part-time faculty like additional salary steps, health benefits, sabbaticals, etc. the typical parity rate in the system is only about 32 percent. Brennan opined that the Legislative Analyst's Office (LAO) might be more sympathetic if they were to take a look at this data.

Brennan requested that council members notify the part-time faculty in their liaison divisions that anyone planning on evaluating them needed to have been trained in the use of the new Appendix J1 evaluation forms. They should also be made aware that the rules governing an evaluation could be found in Article 6, Evaluations.

FOR THE GOOD OF THE ORDER

Griffiths related a request from colleagues in her department to make the *FA News* more legible. Palmore agreed to investigate making the link to be able to read the newsletter in a new browser window more visible.

Aragon stated that he had been contacted by a faculty member who was having a hard time figuring out how to retire. Brennan offered to help them with this.

Stockwell invited everyone to attend a free webinar given by the Faculty Association of California Community Colleges (FACCC) at 6:00 pm about the legislative cycle this year.