

EXECUTIVE COUNCIL MINUTES
Meeting Held January 17, 2024

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

ABSENT: Laura Gamez.

GUEST: Nicole Gray.

M/S Agenda approved as written with addition of Item 9.1 Collegiality Training by Erick Aragon. Vote unanimous.

M/S Minutes approved as written. Vote unanimous.

M/S Financial Statements approved as written. Vote unanimous.

RESOLUTION IN SUPPORT OF CSU STRIKE

President Tim Shively reminded the Executive Council about the four-day rolling strikes that were held in December by faculty in the California State University (CSU) system, noting that they had subsequently been met with the administration's "final offer" of a five percent salary increase. The faculty, represented by the California Faculty Association (CFA), are seeking a 12 percent salary increase in addition to some other working condition improvements and have authorized a strike for the week of January 22 to 26.

Shively shared a draft resolution in support of the CSU faculty and solicited input from the Executive Council on its content.

M/S to pass the resolution in support of the CSU faculty. 13 – in favor, 0 – opposed, 1 – abstention.

EQUITY TASK FORCE UPDATE – OPEN HOUSE

Felisa Vilaubi reported that two Open Houses had been planned: one at Foothill on January 24 and the other via Zoom on January 25. A series of true/false statements has been developed about the *Agreement* to initiate discussion at the events. Vilaubi urged council members to attend either of the two dates.

Alex Locust of SpeakOut is available on February 8 to attend the FA retreat and continue FA's work on Diversity, Equity, and Inclusion (DEI) training. Vilaubi outlined the terms of the contract which would be \$3,000 for the workshop and an additional \$200 for transportation. The Executive Council discussed the expected length and content of the material that would be presented.

M/S to support the \$3,200 cost for Alex Locust to attend the FA retreat. Vote unanimous.

RETREAT UPDATE

Shively stated that he was still in the process of lining up guest speakers for the FA Retreat. Legal counsel David Conway and Patricia Lim will be attending to talk about topical concerns, in particular Freedom of Speech versus Academic Freedom. Faculty Association of California Community Colleges (FACCC) President Wendy Brill-Wynkoop will give an update on statewide issues. Other potential speakers include Forest Peterson, a candidate running for the Board of Trustees, and Philip Hu, the American Federation of Teachers (AFT) Executive Director from San Jose City College. Several other activities will also be on the agenda including a game around Know Your Contract and an evening poker game.

DISTRICT BUDGET UPDATE

Chief Negotiator Kathy Perino reported that the District Budget Committee had not met since the last Executive Council meeting. The initial draft of the 2024-25 state budget was released on January 10 and includes a COLA of 0.76 percent, although she noted that this figure will likely change before the final budget is approved.

NEGOTIATIONS/CONTRACT REVIEW UPDATE

The negotiating team met with the District today and learned that the District is willing to explore participation in the state program that would reimburse the district for 100 percent of the cost of part-time health benefits. A transition to this program would extend eligibility to all part-time faculty with an annual load of 0.400 or higher and their plan costs would match those of full-time employees. While participation would necessitate some additional administrative responsibilities, the net cost to the District would be zero.

FA gave the District the faculty feedback on the Memorandum of Understanding (MOU) regarding Dual Enrollment AB 288 classes presented at the last meeting. It was agreed that if the high school wants to have a Dual Enrollment class that is offered only to their students, at their campus and using their schedule, they will be allowed to decide whether to hire one of their own faculty or have the District provide an instructor. If they do choose to use their own faculty member, that person must go through an interview process with the campus dean and at least one faculty member in the discipline who must all agree to the selection. The faculty member must go through the same evaluation process as on-campus faculty and, if they are paid by the high school, do not earn Reemployment Preference (REP) credit, and have no rights to teach on campus. The MOU will go into effect for the rest of this year and next and then will be open for reevaluation.

FA wants language regarding Faculty Investigations either as an MOU or as a new article in the *Agreement*. The District has responded that, while they acknowledged that there have been problems with the investigations process over the last couple of years, they would like to return to using prior protocols, without having anything new formalized in this way. Perino responded that it was unclear what those prior protocols had been.

AB 4640 is the Board Policy on Harassment and Discrimination, and the District shared a new draft that is being revised to bring the document into compliance with new Title V language that was passed in 2020.

The proposal to allow a higher initial salary step placement for faculty in Allied Health programs as an incentive for recruitment in these positions was dismissed by the District who stated that they had been hearing from many faculty opposed to this idea because it devalued their own programs.

Perino reviewed other items on the negotiating team's "to do" list for this year including Regular and Substantive Interaction (RSI), compensation for travel to work sites outside the district, exploring a compressed academic calendar, addressing the Senates' requests to update the Faculty Service Area (FSA) list and get parity in their release time, and a scheduling MOU for next year. Perino solicited council member input on this last item about whether a new MOU should be negotiated, noting that the District thought it was no longer necessary. The council responded with an extensive discussion of those items from the previous MOU that they believed should be protected or changed.

PRESIDENT'S REPORT

Shively stated that the January Board of Trustees meeting included a discussion about Measure G, but that a final plan on the use of these funds still has not been formed. Chancellor Lee Lambert wants to go back to the Task Force at De Anza for reconsideration of the proposals using the actual budget data in order to have a plan in place by the end of the academic year. The Flint Center has been scheduled for demolition this summer, six years after being shut down. Shively spoke up during the Measure G discussions to note that the Arts building had not been listed in any Board documents since October 2022 despite his having noted the omission multiple times.

Shively shared that the last print issue of De Anza's student newspaper *La Voz* came out in December and only electronic versions are being permitted until February. Shively highlighted an article in the December issue that he felt did a great job of covering the November meeting between Chancellor Lambert and the coach and students of the De Anza Track team held to address their complaints about discrimination and harassment. Shively also spoke to the importance of protecting *La Voz*.

The Public Employee Relations Board (PERB) hearing on FA's Unfair Labor Practice (ULP) complaint is taking place next week. Shively noted that this would be an informal hearing in which the legal counsel from both sides would sit down with a PERB Hearing Officer. The complaint is regarding the District's denial of documents to FA related to faculty investigations.

The Academic and Professional Matters (APM) committee approved the Board Policy language on Regular and Substantive Interaction (RSI), although this may be subject to changes coming from the state chancellor's office. The language of the revised Board Policy and Administrative Procedures on Student Grievances was also approved; however the District wants to run this by legal counsel before final board approval.

Shively was unable to attend the Collegiality Training that had been scheduled with leadership from the Academic Senates, deans, senior administrators, and the Chancellor so Erick Aragon agreed to fill in for Shively at this meeting. Aragon stated that the first half of the meeting had been a history of shared governance and its origins in the creation of new Ed. Code when the community colleges were separating from K-12. Since participatory governance and shared

governance were never really defined in Ed. Code it has created a lot of confusion and a system whereby each college and district are doing it differently. A recommendation was made for creation of a Government Handbook to clearly define the decision-making structure and the roles of the different participants. There was also an extensive discussion about how the academic senates and 10+1 fit into this. Aragon noted that the general theme of the meeting was a call for defining policies on shared governance to better understand the operations of the district and who is responsible for making what decisions.

FOOTHILL GOVERNANCE UPDATE

Julie Jenkins reported that conversation on RSIs had been continuing at the Foothill Academic Senate meetings with the major points of contention being how much training was needed to fulfill compliance requirements and mitigating some of the increased burden on those faculty who are already contributing the most. The De Anza Senate President has been in attendance, with plans for a joint planning session in February.

Shively stated that he had been on Foothill's Faculty Hiring Prioritization Committee in December, which provided him a constructive comparison between the processes at each campus. Foothill, for example, had fewer faculty in the room than De Anza, where the emphasis was on having equal numbers of faculty, classified, student and administrative representatives. Shively noted that he was considering writing an article for the next *FA News* calling out the best qualities of each process.

DE ANZA GOVERNANCE UPDATE

Mary Donahue reported that Dean Sam Bliss would be the new permanent AVPI at De Anza effective February 1.

Shively shared the ranking of positions that had come out of De Anza's Resource Allocation and Program Planning (RAPP) Committee noting each application was rated as high, moderate, or low priority by teams of reviewers. Those rated as high were then brought back to the entire committee for ranking. Shively noted that, at Foothill, they knew in December how many positions could be filled and have already made their choices accordingly. At De Anza they still do not know how many from the list of ranked positions can be filled. De Anza also has faculty, classified and administrative positions together on the same list. The representative from the California School Employees Association (CSEA), which represents the custodial, maintenance, grounds and trades workers objected to the high prioritization of both a grounds supervisor and a custodial supervisor, stating that there was a much greater need for classified workers than supervisors in these areas. Also, a faculty position in Music was moved from low to high priority, which was appropriate given that the department has gone from six to only one full-time faculty in recent years; however, it was unclear whether the position would ultimately be advanced for approval by College Council.

PART-TIME REPORT

Associate Secretary for Part-time Faculty Interests Raymond Brennan reported that he was planning another Know Your Contract Zoom session, probably sometime in late January, and would welcome any suggestions for topics to be covered. Only a couple of unemployment issues had arisen over the winter break and, unusually, no scheduling problems. Brennan noted

that questions had come up from many part-time faculty, including himself, about why, when so many students were asking for add codes in a given course, the administrators would not open new sections to accommodate them? Rachel Mudge stated that a new Google Forum had been opened in STEM at Foothill for students who were trying to add to be able to register their demand for specific courses.

PAC UPDATE

Executive Secretary Robert Stockwell reported that he had been working on re-doing the Political Action Committee (PAC) website within the FA website. These included pages with information about the PAC committee, endorsements, and the internship program.

The PAC has mobilized interns and about 50 volunteers in support of Patrick Ahrens' campaign for the State Assembly with activities including canvassing and phone- and text-banking. Stockwell extended an invitation to anyone interested in participating. Stockwell noted that he was also writing an update on PAC activities for the January *FA News*.

FOR THE GOOD OF THE ORDER

Perino stated that the negotiations team had been working with Communications Director Kim Palmore on a series of informational videos and that the first of these, on Reemployment Preference, was almost ready to take live. Perino screened this video for the Executive Council.