

EXECUTIVE COUNCIL MINUTES
Meeting Held April 17, 2024

PRESENT: Rich Booher, Mary Donahue, Laura Gamez, Julie Jenkins, Brendan Mar, Rachel Mudge, Jim Nguyen, Kathy Perino, Tim Shively, Robert Stockwell, Felisa Vilaubi.

ABSENT: Raymond Brennan, Jordana Griffiths, Ellen Judd, Kim Palmore.

M/S Agenda approved as written. Vote unanimous.

M/S Minutes approved as written. Vote unanimous.

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

REPLACEMENT COUNCIL MEMBER APPOINTMENTS

President Tim Shively stated that there had been a single applicant for each of the three openings on the Executive Council. The Council reviewed the letters of interest and shared what they knew about the candidates: De Anza Counselor Chai Schweikert, Foothill Counselor Fatima Jinnah and De Anza History instructor Ben Kline.

M/S to approve the candidates by acclamation. Vote unanimous.

MEMBERSHIP COORDINATOR APPOINTMENT

There was only one applicant for the new FA Membership Coordinator position, Foothill Physics instructor Ellen Judd. The Council read Judd's letter of application. Shively reminded them that this appointment would be for the Spring quarter and that the position would be reworked as necessary before moving ahead on a full-year appointment for next year.

M/S to approve Ellen Judd by acclamation. Vote unanimous.

ETAC REPORT ON AI DEVELOPMENT

Shively reported that, at the recent conference he attended at Hunter College, the panel on Artificial Intelligence (AI) had spoken about the need to be addressing the issues raised by AI now. Vice President Jim Nguyen is on the Educational Technology Advisory Committee (ETAC) and reported that he was also on ETAC's recently formed AI Working Group, which will be having its first meeting on April 25. The charge of the group includes reviewing AI applications and systems within the district, examining their efficacy to see where they can best be used, providing recommendations and guidelines for responsible AI use, suggesting best practices and policy language, providing education through workshops and resource creation, and monitoring AI systems. A consultant was hired to look at the current practices and has recommended the development of a districtwide policy on ethical and responsible use of AI. Nguyen opined that FA might need to be involved on their second recommendation, which was to develop an operations manual that would include sample syllabi language. The manual

would also address academic integrity, privacy and security issues related to AI and other guidelines for its use.

DISTRICT ENROLLMENT MANAGEMENT COMMITTEE

Chief Negotiator Kathy Perino reported that the District Enrollment Management Committee (DEMC) had been formed to give input on enrollment management, although this hadn't really happened yet. At the end of last year, it was decided to allocate one-time funds for additional classes in 2023-24 to see how much they could grow enrollment. Foothill received \$800,000 and De Anza got \$1.8 million, reflecting a 10 percent augmentation to their 1320 funds for part-time instruction. As a result, according to the best estimate available now, there has been an increase of about 1,000 Full-time Equivalent Students (FTES) this year. While this is good, the goal for this year and next is an increase of 2,800 FTES in order to close the hold harmless gap in the state funding, so it is less than half of what is needed. The recommendation now is for the campuses to receive the same amount of additional funding for 2024-25, although this has not been finalized yet. Perino noted that Foothill has also been receiving \$1 million in campus carryover funds for the last three years for this same purpose and that this augmentation will no longer be available. Foothill schedulers have been advised that sections will need to be cut next year because of this, although no decisions have been made on where those cuts will be made.

DEMC will be providing input to the finance office on developing a budget model that is based on a fixed revenue rather than one that is affected by enrollment since the amount of money coming from the state will likely not be changing after next year. They will need to move away from the traditional model of allocating funds according to a productivity goal towards one that best uses the funding we do have to maximize the success of the students we decide to serve.

Data has been pulled to begin the process of analyzing how much the average cost of labor is for full-time load, overload, and the full-time equivalent faculty (FTEF) cost of part-time faculty per full-time equivalent faculty (FTEF). This data was presented at the last meeting and proved to be flawed with every number presented exceeding the maximum salary attainable under the current salary schedules. They are now working to find the error in the data.

DISTRICT BUDGET UPDATE

At the District Budget Committee meeting there was discussion about how the plateauing of revenue should affect district planning regarding whether they should continue working to recapture lost enrollment or start making plans to just maintain, or even to shrink, the number of students served.

Perino summarized the highlights of the presentation that had been given, starting with an overview of how the Student-Centered Funding Formula (SCFF) operates with 70 percent of funding coming from enrollment and the rest coming from allocations through student service and success metrics. Once the calculation has been made, a decision is made about where that funding will be coming from which is either 1) property taxes, 2) enrollment fees, 3) the Education Protection Act and 4) state general apportionment. If the property taxes and enrollment fees exceed the calculated amount, the district becomes Basic Aid, with their

revenue coming entirely from these two sources and receiving the entire amount, even if it exceeds the funding calculation.

The revenue for our district is currently about \$190 million, which includes the SCFF calculation and about \$16.5 million in hold harmless funds. Because there is still a gap of around 1,800 FTES needed to close this hold harmless gap, the only way revenue can be increased is if enrollment goes up to and then is maintained at this higher FTES level or if there is a COLA this year. If enrollment is maintained at the current level, or even if it were to drop, the funding remains the same.

The district is currently about \$8.5 million away from being Basic Aid, which has raised the question of whether it might not be better to shrink programs and enrollment in order to get into Basic Aid status. This is complicated, however, by the Educational Revenue Augmentation Fund (ERAF) under which the county can take a portion of the property tax revenue from districts that are not in Basic Aid and then backfill the amount from other general fund sources. The ERAF this year is \$28.6 million, which will put our district \$37 million from Basic Aid. The ERAF amount changes from year-to-year and has been around \$20 million for the last three years. Once a district is in Basic Aid, they are no longer subject to the ERAF so, in Santa Clara County, it only affects our district and Gavilan.

The overall picture is that revenue will likely plateau for the next few years while health benefits costs alone are going up at 8 to 10 percent per year. The district needs to be planning now on the best way to serve students while still protecting employee salary and benefits.

NEGOTIATIONS/CONTRACT REVIEW UPDATE

The negotiating team has not met with the District yet this quarter but will be meeting on April 24.

Perino reported that she had just met with District administrators regarding the improvement to Part-time Health Benefits and, prior to this meeting believed that they had been close to transitioning to the 100 percent reimbursement program. The District had, however, apparently misunderstood the first provision in which part-time faculty with at least a 40 percent load in our district must be allowed to enroll in the same health plans and at the same rates as full-time faculty. This move away from the current tiered contribution system appears to have been missed by the District until today because they had focused on their concerns regarding the additional paperwork required in order to meet the second provision, which is that part-time faculty who work less than 40 percent in our district but more than 40 percent through work in multiple districts would get reimbursed a proportional amount of their self-purchased health benefits. Administrators are alarmed by the increased expense of participants getting the full-time rates, even though these would be offset by the 100 percent reimbursement. They are concerned that the state will not have enough funding to fully reimburse their expenses even though only about 10 percent of the \$200 million budgeted for this item was claimed by districts last year.

Other items being worked on this quarter include the Academic Senate release time Memorandum of Understanding (MOU), Allied Health clinical coordinator duties and compensation, the Regular and Substantial Interaction (RSI) discussion in the Senates, issues

regarding general and other counselors at De Anza, and updating the Faculty Service Areas (FSA) list.

PRESIDENT'S REPORT

Shively reported that there had just been an update in the process to replace the Office Manager, which was to move away from the creation of a new Union Office Manager job description and use the existing one for Executive Assistant. Shively hoped that this would streamline the process for approving the Working Out of Class (WOC) opportunity and get someone in place soon to shadow the existing Office Manager for the remainder of the quarter. Board approval of the permanent position should take place at the May Board of Trustees meeting.

After receiving a few complaints prior, Shively stated that he had only heard positive feedback regarding FA's Ceasefire Statement since it had been approved. Things did not go so smoothly with the Foothill Academic Senate's attempt to pass something similar. At the April 1 Board of Trustees meeting Senate President Voltaire Villanueva stated in his leadership report that the senate had been careful to make sure that all community members had been given a voice before the Senate voted on the resolution. Trustees President Peter Landsberger complimented the Senate on their posture of neutrality, noting the potential negative impact and threat of lawsuits from taking a stand on issues outside the scope of the District. Shively drew attention to FA's Ceasefire Statement during his own leadership report and stated that the Board should take action to acknowledge a situation that was causing a massive humanitarian crisis.

Shively then clarified what had happened at the last Foothill Academic Senate meeting, when the entertainment of a ceasefire statement was eliminated through a procedural vote. A senator challenged the authority of the Senate to approve such a resolution on the basis that it wasn't covered under 10+1. In a 12 – 9 vote the Senate determined that they did not have authority, with most of those voting for the motion stating that it was what their constituents believed. Shively noted that the implication was that the Senate could no longer entertain political resolutions of any sort, and this was a dangerous precedent which should be challenged.

An FA representative is needed to sit on the search committee for the Director of Equity, Employment and Professional Development, a district level committee. Laura Gamez noted that she might be interested dependent on the schedule of meetings.

FA Officer appointments and Executive Council elections are coming up this quarter. An announcement about this will be appearing in the April *FA News* next week.

A two-hour Town Hall meeting is being held at De Anza on April 18 in which Chancellor Lee Lambert will discuss the County Health Clinic proposal, Measure G expenditures, and What the College is Looking For in a New President. Shively noted that there had been many questions districtwide about the Health Clinic including whether students would be able to use it, what types of services would be provided, whether it could provide clinical hours for students in the Allied Health programs and, if they offered dental care, if it would be available to part-time faculty who currently have no access to dental insurance through the district. Shively noted that he didn't know that anyone in the district had definitive answers to these questions right now.

Shively is working to start an advocacy group for female student athletes to provide help on how, when, and where to file complaints amidst an alarming number of problems with physical and verbal abuse, as well as sexual harassment. Shively noted that he believed that many of these cases had been dismissed or squelched by administrators in the recent past. Resources for finding mental health and financial aid services would also be incorporated. Anyone interested in helping to create this resource were encouraged to contact Shively.

Shively raised the issue of classroom door locks with both Foothill President Whalen and Chancellor Lambert, particularly in light of Campus Police requesting that they be able to purchase tasers. The response so far has been that door locks are a district, not a campus, responsibility. Shively noted that it was important to tie these two issues together. Nguyen stated that he was on the Police Chief's Advisory Committee, but that the taser issue had also come up in the De Anza Academic Senate meeting. Police Chief Acosta wants the Board to approve purchase of tasers with the rationale that the police force would be given a less-than-lethal option to protect officer lives and de-escalate incidents. Nguyen noted that community groups like the Asian Law Alliance had been reaching out to Chancellor Lambert with statistics, evidence and arguments that bringing tasers into our police force was a bad idea which would cost a lot of money and potentially result in wrongful deaths and ensuing lawsuits.

The District is trying to move forward on plans for use of the \$200 million in Measure G funds that has been designated for affordable housing. A consultant has been hired but no decisions have been made yet on projects.

FOOTHILL GOVERNANCE UPDATE

Perino reported that the Mission Informed Planning Council (MIPC) had not met but would be meeting on April 19.

Julie Jenkins stated that the Academic Senate meeting had been dominated by the Ceasefire Statement issue. The group was now gearing up for an RSI discussion on April 22.

DE ANZA GOVERNANCE UPDATE

Shively stated that the Resource Allocation and Program Planning (RAPP) Committee had finished reviewing Program Reviews and was now moving on to prioritizing positions, even though it was unclear how much funding would be available to pay for them.

Mary Donahue reported that the De Anza Academic Senate meeting had discussed the taser issue and also received a request for support for their block scheduling resolution from the De Anza Student Government (DASG). Donahue requested that FA also entertain a motion to support this resolution. The Senate is also revising some of their Constitution and By-Laws, adding a Vice President of Curriculum and removing term limits on part-time representatives.

EQUITY TASK FORCE UPDATE

Co-Chairs Felisa Vilaubi and Laura Gamez met with Shively and Nguyen today about how FA could work together as an organization to start putting into practice items raised last quarter

and in the retreat workshop with Alex Locust. Once a date is on the calendar, a facilitator is being sought to help address the issues needing work internally in FA.

PART-TIME REPORT

Associate Secretary for Part-time Faculty Interests Raymond Brennan was absent but sent Shively a list of items for this report.

Brennan has been contacted by part-time faculty who were not given Spring quarter assignments and were questioning why new part-time positions were still being advertised and filled. Brennan has been trying to persuade faculty who believe there has been a violation of reemployment preference to file a complaint, but so far none have agreed to do so for fear of retaliation.

There have been very few unemployment issues this quarter, perhaps because staff at the Employment Development Department (EDD) have been getting better training. Brennan noted that high turnover at EDD and inadequate training had often raised problems in the past. Anyone experiencing difficulties in receiving their unemployment should contact Brennan who has been very successful in getting issues resolved.

After two disappointing failures with bills getting vetoed by Governor Newsom, six part-time faculty have taken it upon themselves to craft a new bill that would raise the district cap on part-time teaching load. They have worked to revise language in Ed Code to address Newsom's fears that raising the cap would trigger mandates to provide health benefits under the Affordable Care Act (ACA). AB 2277 passed unopposed through the Higher Education Committee yesterday. Brennan provided a sample letter of support for the bill and requested that FA consider passing something similar.

RESOLUTION IN SUPPORT OF AB 2277

Shively shared his draft of a resolution in support of AB 2277 and the council reviewed it.

M/S to approve the resolution in support of AB 2277. Vote unanimous.

PAC UPDATE

Executive Secretary Bob Stockwell reported that the Political Action Committee (PAC) had three interns who would be continuing in the program next year and were in the process of recruiting some new ones this quarter. Depending on the budget, a salary increase of between one and two dollars per hour will take effect for the interns next year. The PAC is also recruiting faculty to help coordinate the interns' work. Bob asked that any interested students and faculty be referred to him for additional information.

The PAC is continuing work on housing and the De Anza Arts facilities, as well as doing internal work on program development and assessment. Endorsements were shared earlier this month with all members regarding the Faculty Association of California Community Colleges (FACCC) candidates and by-laws changes. Stockwell stated that a request to change the recommendation regarding the choice of President had been received and would need to be discussed.

Volunteers are being recruited for Patrick Ahrens' campaign for the state assembly, although that campaign is on a brief hiatus before work begins again in May or June for the November general elections.

FOR THE GOOD OF THE ORDER

Nguyen stated that student volunteers had been sought at De Anza to help with the recount of votes in the draw for second place between Joe Simitian and Evan Low in the race for the congressional seat being vacated by Anna Eshoo.