

EXECUTIVE COUNCIL MINUTES  
Meeting Held May 15, 2024

PRESENT: Raymond Brennan, Mary Donahue, Laura Gamez, Jordana Griffiths, Julie Jenkins, Fatima Jinnah, Ellen Judd, Ben Kline, Brendan Mar, Rachel Mudge, James Nguyen, Kim Palmore, Kathy Perino, Chai Schweikert, Tim Shively, Robert Stockwell, Felisa Vilaubi.

ABSENT: Rich Booher.

GUEST: Daniel Solomon.

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.

FA OFFICER APPOINTMENTS

Only one applicant each applied for the positions of President, Executive Secretary and Associate Secretary for Part-time Faculty Interests. The Executive Council read the letters of application.

M/S to approve Tim Shively as President, Robert Stockwell as Executive Secretary and Raymond Brennan as Associate Secretary for Part-time Faculty Interests for 2024-25. Vote unanimous.

The Executive Council next reviewed the letters from the two faculty who applied for the Vice President position. A discussion took place on the strengths of each applicant and how best to keep each involved with the organization.

M/S to approve James Nguyen as Vice President. 14 – in favor, 0 – opposed, 1 – abstention.

FACULTY ACTIVISM – STRATEGY AND RESPONSIBILITIES

President Tim Shively stated that he had been thinking about what should be done to follow up on the recent *FA News* article about freedom of speech and academic freedom given things that were happening on the campuses, particularly with outside groups imposing themselves on college business. Shively had considered creating a bullet list for faculty of what they should or should not do regarding divisive political issues but stated that he was now thinking that a faculty workshop or townhall might be better. Experts could be invited to share their expertise on what would be appropriate to address within the classroom and in meetings with students.

An extensive discussion took place on how best to inform faculty of what was appropriate and safe and to let them know about the protections and support available if problems or complaints were to arise. It was suggested that an in-person event be held on each campus, as well as an online session.

## DISTRICT BUDGET UPDATE

Chief Negotiator Kathy Perino reported that the District Budget Committee had not met since the last Executive Council meeting. The May revise of the 2024-25 state budget was released last week and contains a COLA of 1.07 percent. In ballpark figures, this would bring about \$2 million in additional funds to the district. Perino noted that this amount would not go very far given that the district spends about \$24 million on health benefits and if the premium rates were to go up by around 10 percent as they had last year, this alone could swallow the entire amount. Plan rates for next year will not be known until June.

Perino reviewed some possible uses for the COLA including putting it on salary, increasing the Professional Achievement Award (PAA) amounts, offsetting the increased cost of benefits, or adding a step to the Part-time Faculty Salary Schedules. FA will be reaching out to faculty for input on how they would like to prioritize the use of these funds.

The District Enrollment Management Committee (DEMC) talked a lot about messaging and the cutting of class sections at Foothill, noting that the district would probably lose Full-time Equivalent Students (FTES) next year. An item of note was raised in their report regarding the investigation into why data presented at a prior meeting on the average costs of full-time faculty, part-time faculty and full-time overload had exceeded the highest amounts on the relevant salary schedules. One error identified was that the cost of Professional Development Leaves (PDLs) had been included, even though there was no associated teaching load. Another error flagged was that a percentage of counseling load is still being assigned to the instructional side of the Fifty Percent Law calculation because of a prior practice that is no longer being followed whereby counselors were required to teach classes as part of their load. This error also means that the District has been overreporting their instructional spending and may be at 50.1 percent rather than the 50.8 percent reported last year. This puts them dangerously close to being in violation of the Fifty Percent Law.

## NEGOTIATIONS/CONTRACT REVIEW UPDATE

Perino stated that, although nothing had been signed yet, they had reached a tentative agreement with the District on improving part-time faculty health benefits. This would make the CalPERS plans available to all part-time faculty teaching a 0.400 or higher annual load at the full-time employee rates. Partial reimbursement for the cost of self-purchased plans would be available to those teaching a 0.400 or higher load through work in multiple community colleges. Perino reviewed how the enrollment and reimbursement process would work. Details will be sent to eligible faculty once the agreement has been finalized. Perino also reported on the included language that the District asked for in order to address their concerns if, as they fear, the state does not have enough funds in the future to be able to reimburse them for the additional expenses.

Perino shared the proposal that just had been given to the District on implementation of the training requirement for Regular and Substantive Interaction (RSI). There has been no official response yet and the initial discussion did not go well. The negotiating team is now awaiting the District's counterproposal. Perino noted that she did not know if agreement could be reached before the end of the quarter.

## PRESIDENT'S REPORT

Shively reported that he had spoken to Chancellor Lee Lambert about the problem with classroom door locks and had been promised that the issue would be addressed. Lambert stated that, for several reasons, Facilities would be transitioned to his oversight starting July 1. Shively suggested that additional momentum might be built if this issue were to be the topic of an *FA News* article from those who had suffered the adverse effects of this ongoing safety issue, noting the importance of continuing to tie it to the police officers' efforts to get tasers. Vice President James Nguyen added that the Police Chief's Advisory Committee (PCAC) was meeting on May 16 and the agenda included a guest speaker who was a law enforcement officer with taser expertise. Executive Secretary Robert Stockwell clarified that it would be appropriate to say that faculty were opposed to the use of tasers at this meeting.

The Academic and Professional Matters (APM) committee reviewed a new Board Policy on Drones. While Shively expressed an initial concern about their being used for surveillance, he noted that their use under this policy was restricted in various ways.

The grievant of the arbitration request addressed at the last meeting violated his own confidentiality and the arbitration process by emailing documentation regarding the case to many of the De Anza Executive Council members. Shively advised those who received this information not to read it and not to respond to the email.

A new FA Office Manager has been hired and will start training in the FA office at the start of June. Erika Cervantes currently works in the Foothill Equity Office.

At the May 13 Bay Faculty Association (BFA) meeting there was discussion of a coalition that Santa Monica College is forming to push back legislatively on the Student-Centered Funding Formula (SCFF). Under the SCFF colleges in high-cost areas have suffered severe budget shortfalls that have only been tempered by the Hold Harmless provisions. Chabot is apparently trying to incorporate Santa Monica into an even larger coalition effort. Shively followed up after the meeting with an email to all BFA members regarding the coalition and actions that could be taken to enlist their districts. Unfortunately, there has been little response so far, probably because these other districts are on the semester system and are busy wrapping up their work for the school year.

Shively reminded the Executive Council members whose terms are expiring that they needed to get their statements of interest submitted prior to the May 17 deadline.

Shively reported that he had a conversation with Chancellor Lambert about the Fifty Percent Law and was told that it would be discussed with senior administrators in the Chancellor's Advisory Council to make sure that everyone was on the same page and make sure that the law was not violated. At the May 13 Board of Trustees meeting, however, the Board unanimously approved the creation of a new Vice Chancellor position, adding approximately \$300,000 more to the administrative side of the equation. This is in addition to recent actions at De Anza in which faculty vacancies have been used to fill classified and administrative positions and the \$1.8 million in cuts to 1320, Part-time Faculty funding, next year at Foothill. Shively opined that the District might already be in violation of the Fifty Percent Law, although this would not be confirmed until the reports are issued in June.

Also at the Board meeting was an interesting discussion about Measure G, in particular use of those funds originally allocated for a De Anza Events Center to replace Flint Center. There are no longer any plans to build an Events Center of any kind and no restrictions on how those reallocated funds can be spent, even though a replacement for Flint Center was promised to the community during promotion of the bond measure. Board President Peter Landsberger had gone even further stating that, if infrastructure needs were to arise and this money had already been spent, the costs could come out of the \$200 million allocation for Affordable Housing. Shively noted that, while this was also not in the specific language of Measure G, the commitment had been made to the supporters who had helped to pass the bond measure and he was appalled that the Board was willing to renege on these promises.

#### FOOTHILL GOVERNANCE UPDATE

Fatima Jinnah stated that the Academic Senate had been talking about the process under which the Point Of Order had been weaponized to derail the vote on the Gaza Resolution. It was pointed out that if there were sufficient votes to stop the discussion on a Point of Order, there would also have been enough to vote down the resolution, so why had this manipulative process been used instead. Laura Gamez added that, somewhat in response to this situation, a resolution on Sustained Dialog had been introduced.

Perino reported that the Mission Informed Planning Council (MIPC) had spoken to the importance of implementing RSI training since many sample documents submitted to the accrediting team as a pre-visit step had come back as not meeting RSI standards.

Nguyen stated that a full-time Foothill faculty member was needed to fill a vacancy next year on the Tenure Review Due Process Panel to replace Lety Serna, who is retiring. The panel only meets as necessary if a due process complaint is filed. Interested faculty should contact Nguyen.

#### DE ANZA GOVERNANCE UPDATE

Shively noted that, in the list of requested positions at the Resource Allocation and Program Planning (RAPP) Committee, a new column had been added with “Senior Administrations’ Ranking of Positions” which seemed very inappropriate given that it is a RAPP responsibility to rank requests. RAPP is currently reviewing these position requests, most of which are non-instructional classified staff and administrator positions, exacerbating the potential problems with the Fifty Percent Law.

Mary Donahue reported that the De Anza Academic Senate is changing its Constitution, in part to add a new Vice President of Curriculum. A presentation was given on zero textbook costs, with six classes across three departments currently offering these. Donahue noted that, by Fall 2025 Mathematics will be a zero-cost degree at De Anza and by Fall 2026 Kinesiology will be also.

#### EQUITY TASK FORCE UPDATE

Laura Gamez stated that the Equity Task Force was still compiling a list of groups that could provide workshops to continue the Equity training already undertaken. Felisa Vilaubi added they still needed to get a budget.

## PART-TIME REPORT

Associate Secretary for Part-time Faculty Interests Raymond Brennan stated that a hearing was taking place on May 16 to decide if AB 2277, which would raise the cap on part-time teaching load, would be sent to Governor Newsom for signature. The bill had been amended seven times in the past ten days to address all concerns as they were raised, so there really is no reason for the governor to veto the bill if it does make it to his desk.

Brennan is working with Grievance Officer Nicole Gray on a Frequently Asked Questions (FAQ) article regarding Reemployment Preference (REP) for the May *FA News*.

Plans are still being made for meetings to address questions about the *Agreement*, as well as regarding Unemployment and Retirement. These may be multiple sessions or combined into a single workshop depending on calendar considerations.

## PAC UPDATE

Executive Secretary Robert Stockwell reported that the Political Action Committee (PAC) would next be meeting on May 22 at 3:30 p.m. and anyone interested was welcome to attend. The budget has been formulated for next year and Stockwell will bring it to the Executive Council in June. Work is continuing on recruiting new interns as well as setting priorities for campaign support work in the Fall.

## FOR THE GOOD OF THE ORDER

Daniel Solomon shared the URL for the District Housing Task Force, noting that everyone's help was needed in pushing back on the idea of turning the \$200 million allocation into a slush fund. Solomon noted that the current Chair of the Task Force, Eric Reed, was stepping down and that they were considering moving forward next year with a Tri-Chair model. Anyone interested in serving should contact either Solomon or Reed.