

EXECUTIVE COUNCIL MINUTES  
Meeting Held November 5, 2008

PRESENT: Bea Cashmore, Susanne Chan, Kathy DePaolo, Amy Edwards, Karen Erickson, Mary Ellen Goodwin, Nicole Gray, Richard Hansen, Meredith Heiser, Mary Anne Ifft, Roger Mack, Faith Milonas, Anne Paye, Bob Pierce, Alan Simes, Chris Storer, Laurel Torres.

ABSENT: Tim Shively.

M/S Agenda approved as written with removal of Item 8a, Conflict of Interest, which is not yet ready for further discussion. Vote unanimous.

M/S Minutes approved as written. Vote unanimous.

M/S Financial Statements approved as written with inquiry into CD account shown in July statement but not in August. Staff will report back at the next Council meeting. Vote unanimous.

PRESIDENT'S REPORT

Board of Trustees Meetings: The October 6 Board of Trustees meeting included an agenda item reclassifying two De Anza managers to Associate Vice Presidents, with increased salary and duties. Hansen noted that the Board was fairly critical of this item because of its occurrence in bad economic times and its announcement on Opening Day, before it had received Board approval. Despite this criticism, the item was ultimately approved. It was reported that reclassifications among all employee groups over the past three years accounted for \$250,000 in increased costs to the District.

The budget was on the agenda of the October 20 meeting when Hansen met with hostile expressions from Chancellor Martha Kanter, Foothill President Judy Miner and De Anza Vice President of Finance Jeanine Hawk when he spoke up against the campuses retaining their remaining one-time growth initiative funds and setting these monies aside for future needs.

Hansen distributed copies of a statement that he read to the Board at the November 3 meeting. The statement addressed FA's disappointment in the treatment of "the human side" of district operations in both the denial of a fund for Post-1997 retiree benefits and refusal to remove the 55 percent ceiling on part-time faculty employment following the increase of the statutory limit from 60 to 67 percent. Hansen noted that Board members are not expected to comment on such items that are not on the agenda, but Board members and administrators appeared to listen with interest. Hansen reminded the Council of the plan to have faculty affected by these decisions to start showing up at Board meetings to make their own statements and put a face on these issues. Planning will begin at the next Council meeting.

The joint NASA-Ames higher education group is seeking an additional \$100,000 for the next level of their multi-segmental instructional project. San Jose State University is not yet participating. UC Santa Cruz is a 60 percent participant and Carnegie Mellon and Santa Clara are at 10 percent each, with Foothill-De Anza at 20 percent. Trustees asked where the \$100,000 would be coming from in light of the district's projected budgetary shortfall. Kanter responded that she is looking for other sources of funding and believes she can raise the money from individual contributions and/or grants.

Following objections from faculty groups, the values statement on textbook selection is going back to the Academic Senates for another rewrite. Trustee Hal Plotkin asked to put the item in context noting that, soon after joining the Board, two faculty at De Anza came to him about practices regarding assignment of class materials they believed were in violation of Board policy, and later he learned about a Foothill faculty member who was charging for access to items on a website. The Senates protested that the actions of a few should lead to universal suspicion and sweeping changes in policy. They noted that once alerted, faculty have changed the questioned practices. This issue will be discussed further at FA/Senate liaison meetings.

SLOs: Mid-term accreditation reports are coming due for Foothill-De Anza and one item raised during the last accreditation, the Governmental Accounting Standards Board (GASB) requirement is already being addressed through the regular set-aside of monies. Community colleges across the state are now feeling pressure from the Accrediting Commission (ACCJC) to implement Student Learning Outcomes (SLOs). Hansen distributed copies of a letter from CFT President Marty Hittelman to the ACCJC challenging their mandate that SLOs be included in course syllabi and that faculty be evaluated on the effectiveness of their use. This letter, which was researched and written by Bob Bezemek, was presented at the Council of Faculty Organizations (CoFO) meeting and has been discussed extensively at venues like the Bay Faculty Association (BFA) meeting. The Independent unions (CCCI) have endorsed the Hittelman letter. Bargaining agents will have to decide whether or not to fight the imposition of SLOs in faculty performance evaluations if the issue comes to the negotiating table.

CCCI Conference: The California Community College Independents (CCCI) held its Fall Conference in San Diego on October 10 and 11. The proposed merger between CCA/CTA and CCC/CFT was discussed, but the parties have not yet engaged on the details of the new organizational structure. Hansen expressed concern that a merger under CTA could weaken community college faculty advocacy. As an example, he noted that CCA's endorsement of Proposition 92 did nothing to stop the parent organization, CTA from opposing it and contributing millions of dollars to defeat the measure. CCCI members agreed that the Independents represent a better model for promoting community college faculty interests, voicing support for seeking means by which the group can promote this alternative.

Faculty Obligation Number: In November of each year the Community College Board of Governors must decide whether or not to trigger an increase in the Faculty Obligation Number (FON) for each district to increase their percentage of full-time faculty proportionate to the level of funded growth in the district. At the October 16 Consultation

Council meeting the group recommended against increasing the FON for Fall 2009 because of the dire state budget. The faculty organizations of the Consultation Council, however, recommended against a simple freezing of the number for this year. Instead of losing another year of improvements, they advocated postponing the increase until the budget situation had improved enough to authorize increasing the FON. The faculty sent a letter to the Board of Governors in support of this position, but unfortunately, the Board decided at their November 3 meeting for a simple non-trigger of the FON with no provisions for a future catch up.

Board of Governors: Paul Navarro, Deputy Legislative Secretary for the Governor's office spoke at the November 3 Board of Governors meeting about the unanticipated additional shortfall in the state budget and Governor Schwarzenegger's impending proposal for mid-year cuts. Navarro reported that the proposal will not spare education but noted that Schwarzenegger was well aware of the community college's role in restoring the state economy.

Decertification of SEIU: The district's classified workers have gathered cards from about 60 percent of their members toward a decertification from SEIU. The cards will now be sent to PERB to trigger a vote on whether to continue with SEIU, become an independent bargaining unit or have no representation. Hansen was invited to a forum of classified workers on October 29 to answer questions about what it means to be an independent union.

Chancellor's Advisory Council: Foothill Academic Senate President Dolores Davison reported at the October 31 Chancellor's Advisory Council meeting that Foothill is going to use only online grading beginning in Winter quarter. FA objects to this mandate, if it is true, and notes that these types of changes need to be phased in, with time given to address problems that are to be anticipated for some faculty.

### NEGOTIATIONS UPDATE

Chief Negotiator Anne Paye reported that Business Services Vice Chancellor Andy Dunn had been asked to join the October 29 negotiations session to clarify issues regarding the FA proposal on Post-1997 Retiree Health Benefits. Dunn verified that it would be correct to assume that an allocation of \$550,000 from this year's COLA funding would stay in the base and receive COLA increases in subsequent years. The District's equivocation on this issue has caused Paye to voice her frustration that amounts of money like those involved in these post-1997 negotiations are referred to as "budget dust" when they were incoming funds, but gain a great deal of significance whenever they were allocated as cost items.

Following the rejection of FA's proposal for matching 403(b) monies to help fund post-retirement benefit costs, FA is further exploring Voluntary Employee Benefits Accounts (VEBAs).

Paye noted that she had found a copy of a 1993 memo to managers from Gerry Kaspar, Director of Human Resources, in which it clarified that the 55 percent ceiling on part-time faculty loads was solely intended to protect the district against instances of backdoor tenure.

Now the District is changing the intent of that language to claim that they need it for “flexibility.” Paye is seeking a legal opinion on whether this constitutes bad faith bargaining.

Progress is being made on the use of online student evaluations, and in winter quarter pilot groups will be testing the process recently developed by Judy Baker to work with both Catalyst at De Anza and Etudes at Foothill. Full implementation may be possible in spring quarter. FA has asked for an audit of part-time faculty who teach exclusively online to find out if they have been improperly denied reemployment preference because the District lacked a viable means to conduct student evaluations.

Part-time faculty facing a serious medical condition that would prevent them from taking an assignment, for example a surgical procedure, should meet with their dean prior to the quarter of treatment to arrange for a special assignment. In the past, faculty who did not take an assignment because they knew they would have a significant absence were denied access to their sick leave. The newly negotiated option of an alternate assignment will give part-time faculty both access to their accumulated sick leave and some load credit.

Significant personnel changes at Foothill are creating problems with tenure review committees. For example, some committees had one vice president in spring quarter, a different one in fall quarter and are potentially facing another one in the winter. FA has been working with the District to look at solutions including freezing the composition of the committee and phasing in the role of the new administrator, or preventing an administrator who has not performed an evaluation from being able to vote against granting tenure. The District is reluctant to entertain any of these ideas, however. Some candidates therefore face the stress of undergoing multiple additional evaluations.

This year will be the transitional one in terms of moving all faculty to electronic communication and being required to use their Foothill-De Anza email account. By next year, part-time contracts and office hour forms will all be sent electronically. De Anza’s Staff Development office will be offering training aimed particularly at part-time faculty on how to access district email and how to use the portal to manage class lists and submit grades.

#### DISTRICT BUDGET UPDATE

The state budget outlook is bleak and the District has every certainty that there will be mid-year cuts. A 1.0 percent deficit factor has already been built into the district budget to provide a \$1.5 million cushion to absorb cuts. However, some projections say that cuts to the District could amount to \$3 to \$4.5 million. In its 2008-09 budget, the District has not yet allocated the 0.68 COLA in anticipation of further cuts.

On the good news side, the system did receive \$2 million in property tax backfill this year and there is a possibility that additional growth funds from the state for 2007-08 could bring an additional \$800,000 to the district this year. Also, growth in non-resident enrollment is predicted to generate an additional \$880,000 this year.

On the other hand, payments to the colleges by the state have been deferred until December, forcing them to use their reserves and lose \$500,000 in interest on those savings.

A legal advisory has been issued on the use of TBA/embedded hours following the recent auditing of West Valley-Mission on such college service measures, with that district being forced to pay back money to the state. Four requirements are included in the advisory in order for the TBA hours to be considered credible: 1) oversight by a faculty member with minimum qualifications, 2) tracking of the hours through positive attendance, 3) the hours must be time specific, and 4) the hours must have an impact on the course grade. These requirements do not apply to online instruction, but it is less clear how they will affect hybrid courses. It is estimated at De Anza that following this advisory will cause a 3 percent decline in FTES particularly in areas like Job Corps. At Foothill, weekly student contact hours (WSCH) from the Performing Arts Alliance may be affected.

### PART-TIME REPORT

Mary Ellen Goodwin attended FACCC's Part-time Symposium on October 24 and 25 and reported that the event was well attended. Topics covered included SLOs, CalSTRS and developing better communications within academic divisions.

### CHAMINADE REVIEW

Hansen distributed copies of the compiled evaluations of the Chaminade retreat. The FA staff is following up on the project, which was discussed thoroughly at the retreat, to record past practices. A detailed plan on how to proceed will be brought to the Council.

### FA GOALS 2008-09

Hansen distributed copies of the approved 2007-08 FA Goals, as well as the goals for 2008-09 developed at the Chaminade retreat. Since time was short, Hansen asked that the Council review both lists and bring back comments to the next Executive Council meeting.

### FOR THE GOOD OF THE ORDER

Hansen thanked Bob Pierce and the FA-PAC for getting a ballot recommendation sheet to faculty on Monday.