

## President's Report

### State Leadership Continues to Disintegrate

by Richard Hansen, FA President

We started this quarter without a state budget, and now it looks like we'll end it without one, too. Well, not really. There is a state budget, adopted by the legislature and signed by the governor, including funding for the community colleges that we welcome as less punishing than the levels faced by other public agencies. The trouble is that current projections show the state running out of the money in late February next year, a little short of the tax revenue infusion coming in April.

In response, Governor Schwarzenegger has just declared a fiscal emergency, triggering a second "special session" of the legislature after the first failed to agree on a plan to address the state's \$11.2 billion deficit. The first session ended with a lot of finger pointing. Democrats proposed a budget that combined cuts with new revenue, but Republicans refused to support it because the sources of new revenue included some new taxes, and they've sworn an oath never to allow any new "T-words" into the state budget. Calling for more cuts, Republicans have refused to identify what should be sacrificed. For his part, Governor Schwarzenegger responded by calling the legislature a "kindergarten." Name-calling doesn't help. The stalemate shows a lack of leadership on all fronts with the legislature locked in its tax/no tax ideological battle, and the Governor revealing, once again, his inability to influence either side.

As a result, the community colleges and other public services suffer. In the past, when public needs demanded increased state revenue, it has been Republican governors who have brokered the legislative deal that addressed the problem. They usually did so at the beginning of their terms when they had some sway over members of the legislature.

Unfortunately, Schwarzenegger came into office doing exactly the opposite when he eliminated the vehicle license fee. If this tax were in place today, it would cover more than half the current shortfall. To make matters worse, over his terms in office, he has done little to win legislative favor, for example, calling

members "girly men" and now "kindergarten-ers." Ideologically, he has been all over the map showing conservative and liberal faces on both economic and social issues. In the end, neither camp trusts him.

With such a lack of leadership, why should a second legislative session produce results? First, a law passed in 2004 (after the state faced a similar mid-year fiscal emergency), requires the state to enact a balanced budget without borrowing to cover deficits. If the legislature fails to accomplish this by January 15, it will have to stay in session, working only on the budget, until a balanced budget is sent to the governor.

Second, this session will have a different set of participants: those newly elected in November who were sworn in on December 1.

So, where does all this leave Foothill-De Anza? To be honest, we don't know. The District awaits the outcome of the second special legislative session and, with some confidence, anticipates that the result will be no worse than the governor's current proposal. At the last Board of Trustees meeting, budgeteers showed how the district can weather even the worst case scenario—the Governor's proposed \$332 million mid-year reduction in the community college system budget—by depleting one-time funds. In the long term, however, the weak economy, both state and nationwide, does not inspire confidence. Leadership both here in California and in Washington DC could make a difference. We'll see.



Hansen

### When Leaders Take A Leadership Role . . .

John Etchemendy, Stanford University's Provost, sent an email Tuesday to some 12,000 faculty and staff, affirming he and John Hennessy, Stanford's President, will immediately cut their own salaries by 10 percent. Each of Stanford's deans has also volunteered to take a salary reduction.

## Negotiations Update

### Part-Time Load, Budget Reductions Cloud Negotiations

by Anne Paye, FA Chief Negotiator

While November negotiations on the issue of part-time faculty load appeared to take a welcome turn for the better, the result has so far proved unsuccessful. Making a District reality of AB 521 (Dymally)—the new state legislation raising the maximum allowable part-time faculty load from 60 to 67 percent of a full-time faculty member's annual load—remains elusive.

As reported in last month's FA News, the thorniest issue in prior discussions on the 67 percent load was the Article 7.6.1 provision: "This section shall not require the Board to offer any assignment in excess of 55 percent of a full-time annual load of scheduled duties." The District had proposed keeping the 55 percent and allowing deans to use professional discretion in making assignments above that ceiling. FA had proposed elimination of the "artificial" ceiling that, if kept intact, would restrict full implementation of the new legislation. Rather than rehashing the old arguments, the teams agreed to explicitly identify their respective as well as shared interests in "part-time faculty load."

Mutual efforts by both teams to put aside opposing positions and focus on shared interests and problem solving produced a tentative plan to explore the possibility of suspending the 55 percent limit until the end of the 2009-10 academic year, and, instead, clarifying the existing definition of "qualified" in Article 7.2.4. The intent was to ensure consistent application of the three components of the definition, so that a dean in offering an assignment new to Article 7 faculty, would determine not only whether the employee met the state minimum qualification for the discipline but also whether he or she had "adequate preparation for the specific course or assignment through appropriate education or experience" and "possess[ed] effective skills relevant to the specific course or assignment."

However, the fledgling plan met with stiff resistance by administrators on both campuses who continue to insist on the need for "flexibility," i.e., discretion to assign load above 55 percent to faculty who are the "best fit" for a course. While the District suggested using retention data in making that discretionary determination, FA rejected that possibility—for all the historic reasons it has consistently opposed adding this element to the faculty evaluation process. Negotiations on this issue will continue in the new year.

The atmosphere at the bargaining table initially seemed to improve as a result of Vice Chancellor Dorene Novotny's suggestion that all the negotiating teams in the District participate in collaborative bargaining training. After attending a two-day November workshop on "RESOLVE," a technique developed by Rhonda Hilyer of Agreement Dynamics, the FA and District negotiating teams put into

practice what they had practiced in theory: responding to differences in communication styles, stating an issue without proffering a solution, telling "the story," avoiding premature critique of opposing views, accepting the respective advocacy responsibilities of each party, and seeking common ground that could nourish creative problem-solving.

While the FA negotiators' faith in the new collaborative process is not entirely shaken by the part-time load limit fizzle, RESOLVE will definitely be tested in the next few months. With State cutbacks to education funding in the offing, the District has added new sessions to the negotiations schedule and called a December 12 joint labor meeting for management and leadership of all employee groups. At that time the District will be laying out the groundwork for strategies and potential reductions to close the yawning budget gap, a projected \$15 million this year and between \$15.5-\$18 million next.

In the current year, the deficit will be bridged by re-absorbing into the General Fund the substantial "strategic initiative" monies allocated last year to the colleges and central services, Fund 61 health benefits savings, and the Board Stability Fund. Tapping these one-time resources will pay the bills through June and provide \$6.5 million toward next year's fiscal imbalance, leaving a \$9 million hole in the bucket. How to staunch this leak is the topic *du jour* with suggestions—from the chimerical to the draconian—pouring in from every quarter.

According to the update provided by the Vice Chancellor, freezing or eliminating vacant positions (about 55-60 District-wide, all employee groups) would save \$4 million, a productivity change of 10 points (from 535 to 545) would net \$1 million, and additional monies could be generated by cutting B Budgets, shifting some positions and operating expenses to Measure C funding, and garnering new revenue (but from where?). Some or all of these efforts could potentially produce \$4-6 million with the remaining \$2.5-5 million to be covered through additional cuts under a "worst case scenario."

To date, the goal has been "What to do without impacting people?" But Novotny noted that already one union has declared that it can't afford pay cuts and, if necessary, it will take the hit through elimination of positions in its unit.

At the December meeting, the District

(See Page 6)



Paye

## 403(b) Program Undergoes Restructuring

by Linda Lane, FA News Editor

FHDA employees received an email November 11 from the District Controller regarding their 403(b)s. This email, which referred faculty to the plan webpage showing only three approved vendors, said, that starting January 2009, employees would not be able to make contributions to any unapproved vendor. Calls to the FA office were numerous that day.

Next year the District's 403(b) plan will be restructured due to new IRS regulations, but the situation may not be as dire as the November 11 email suggested.

The IRS rules, effective January 1, mandate that the employer (1) obtain three agreements with each vendor: Information Sharing, Hold Harmless, and Plan Service; (2) monitor employee contribution limits; and (3) monitor employee requests for loans or hardship funds. The IRS will impose financial penalties on employers who do not monitor this information.

With that in mind, though the District will continue to oversee the vendor agreements, it selected AIG-Retirement to administer the 403(b) program. (Note: AIG-Retirement, purported to have three billion dollars in reserves, is a separate entity from AIG Insurance.)

After Fall Opening Day, the District sent out inquiries to over eighty vendors and began negotiations with AIG. By early November, the AIG contract was finally completed but only three vendors had signed the agreements; hence the late and grim-sounding email of November 11. All employees should have received an update email from the District Controller, sent December 1, with an expanded list of vendors which have been, or are likely to be, approved by December 31.

At a November meeting with the 403(b) and 457 Committee, FA emphasized three faculty concerns: 1) retaining as many of the former 403(b) vendors as possible, 2) including several no load/low cost options, such as Vanguard, and 3) giving employees more time to select a new vendor due to the upcoming holiday break. The District assured FA it is keeping employee interests in mind.

Regarding the first two concerns, the District claims that having a vendor list that offers employees a variety of choices is a priority. However, since AIG-Retirement charges a substantial fee for managing over fifteen vendors, it is unlikely the District would go above that number. The District agreed to include "popular" vendors who

do not sign the District's Plan Service agreement, which guarantees the vendor will submit the required IRS information, but for contributions only: employees will not be able to request loans or hardship funds from these vendors (any such vendor would be clearly highlighted on the District webpage).

As to the short time interval for employees to change vendors, the District insisted that the new regulations taking effect January 1 is solely an IRS decision. Since it is unlikely the government will extend this date, January 15 remains the District deadline for employees to request a January payroll deduction to a new 403(b) vendor.

However, employees can take more time to consider their options by skipping a January deduction. The dollar amount deducted from a paycheck can be adjusted to meet the contribution limit in fewer than ten months. For example, an employee who skips January can divide the dollar amount into nine instead of ten payments to reach the maximum contribution allowed. (Note: those who do this are reminded to lower their monthly deduction for 2010 to avoid exceeding the limit.)

At the same November meeting, 457 plans were briefly discussed. In 2009, the District will evaluate the two existing plans, and, if "not up to par," will consider replacing one or both with a better performing plan, possibly Fidelity or PERS. But because 457s require even more monitoring than 403(b)s, the District will continue to offer only two or three options.

FA appreciates the cooperativeness and inclusiveness shown by the District but still has concerns. If, when the 403(b) restructuring is complete, few no-load/low fee vendors are approved, FA will ask the District to continue the approval process. FA questioned why popular vendors, such as T. Rowe Price, were not included in the "likely to be approved" list; the District replied that some vendors have not agreed to sign the required documents or are getting out of the 403(b) business altogether. FA has asked the District to consider a phase-in period for vendor changes since it does not want faculty to be the only ones to carry the full burden of restructuring. Last, FA reserves the right to negotiate on all compensation and benefit matters. In light of the District's action to deny retiree medical benefits for employees hired after June 1997, 403(b) and 457 plans play an important role in employee retirement savings.

To provide employees timely information on approved 403(b) vendors, FA has asked the District hold a vendor fair in early January, perhaps the first week of classes. If such an event is possible to arrange, employees will receive an email with the details late in December or early in January.

# Faculty Advised To Go Slow on SLOs

by Linda Lane, FA News Editor

In the last decade, two trends have gained prominence in higher education: assessment and accountability. “Assessment” is an information feedback process that guides students, faculty, and programs in improving their effectiveness. Assessment instruments provide answers to how well we are accomplishing our goals. “Accountability” is essentially a regulatory process, designed to assure institutional conformity to specified norms. The important difference between the terms is that while “assessment” is essentially an internal, self-regulated process, “accountability” is an external process that may have consequences (penalties or rewards) based on how someone else views our performance.

Accountability is now a focus of accreditation review boards. They ask not only how well we think we are doing (assessment), but also how we can demonstrate compliance with specified norms (accountability). The answer to this second question relies on the creation and implementation of Student Learning Outcomes (SLOs).

The SLO seed has already found fertile soil here at home, at least in the District office of Institutional Research. Executive Director Bob Barr, at a recent Chancellor’s Advisory Committee meeting, proposed that the District mission statement (currently under revision) include language such as “the District produces student learning and gets better at it over time.” De-coded, this signals an intended shift from the traditional view—where the institution provides quality instruction and the student is responsible for learning—to the SLO notion of cultivating student learning.

Few educators dispute that clear learning outcomes can benefit both students and

faculty. Students benefit from knowing what they are expected to learn, what they will be graded on, and faculty benefit from knowing what material to cover and what skills to measure. Programs profit, too, from the consistency that learning outcomes provide, especially for “gate-keeper” courses, those that are sequential or prerequisites to other courses. But SLOs go much further. First appearing in the No Child Left Behind Act, SLOs were designed to impose accountability on the K-12 system, specifically to measure the performance of schools and by extension the teachers. Not surprisingly, their migration into the community college system has generated alarm and considerable controversy.

Recently the Accrediting Commission for Community and Junior Colleges (ACCJC), which accredits California and other western community colleges, appears to have decided, without collaborative discussion or debate, that SLOs are appropriate for community colleges. ACCJC Standard II.A.6 states “In every class section students [shall] receive a course syllabus that specifies learning objectives consistent with those in the...course outline.” Pointing to Standard III.A.1.c, ACCJC teams have told colleges undergoing accreditation they should “develop and implement policies and procedures to incorporate SLOs into evaluation of those directly responsible for student learning.”

Citing intrusion into academic freedom and disregard for collective bargaining rights established by the Educational Employment Relations Act, the California Federation of Teachers (CFT) sent a letter of protest to ACCJC in October (as of early December, no response has been received). California Community College Independents (CCCI) is drafting a similar letter expressing alarm at what appears to be an inappropriate extension of ACCJC’s legal pervue.

Though the recent renewal of the Higher  
(See Page 6)

# What Exactly Is an SLO, Anyway?

by Linda Lane, FA News Editor

Though there is no definitive answer, many educational websites offer a four-part definition of a Student Learning Outcome (SLO): a broad, “global” learning outcome, one that reflects what a student has learned by the end of a course of study, requires higher-level thinking skills (from Bloom’s Taxonomy), and can be measured. The University of Washington website states, “Whether written at the departmental level or for individual courses, SLOs address two questions: what do you want students to know by the time they finish a course or the major and what do you want students to be able to do with what they know by the time they finish a course or the major?” Course Outcomes, Course Objectives, or Learning Goals, other commonly used terms, are defined similarly but more simply: *what a student is expected to know... what students will be able to demonstrate...*, and so on. There appears to be more or less a consensus on five criteria that distinguish an SLO from a Course Outcome/Objective:

- An SLO describes the knowledge, skill, ability, or attitude that a student can demonstrate by the end of a course. A Course Outcome/Objective is on a smaller scale, a discrete and often sequential skill. Course Outcomes are the building blocks, or subsets, of SLOs.
- A course is likely to have two or three SLOs but many Course Outcomes/Objectives.
- An SLO can be measured and assessed in a “final product”—paper, project, portfolio, demonstration, performance, art work, exam. A Course Outcome/Objective may not be measured by itself, or it may be demonstrated as a step in, or part of, a broader assessment.
- Using Bloom’s Taxonomy, demonstrating an SLO requires the higher-level thinking abilities of synthesis, analysis, evaluation. Demonstrating a Course Outcome/Objective involves the basic thinking skills of recognition, comprehension, and application.
- An SLO is part of an assessment cycle that gives faculty or educational institutions feedback on the effectiveness of instruction thereby providing opportunities for improvement. A Course Outcome/Objective, if assessed, is used only to determine a student’s final course grade.

The University of Washington offers this example of an SLO and a Course Outcome: In Humanities, a basic Course Outcome, requiring knowledge and comprehension, is “Students will, on an essay exam, be able to choose and describe the most enduring problems in philosophy.” A higher-order SLO, requiring application, analysis, synthesis, and evaluation, is “During a final exam, first year students can interpret similarities and differences of specific religious traditions.” Whatever definition of an SLO is adopted by Foothill and De Anza faculty, as they continue to create and implement SLOs, it’s important to keep in mind their potential impacts (see accompanying article on SLOs).

# “TBA” Hours Are No Longer Valid

This quarter deans and managers have asked faculty to start revising curriculum for any courses within their division that include “TBA” hours. As this time-consuming project spills over into Winter Quarter, faculty should be very alert to, and mindful of, increasing their workload.

According to an October 1, 2008 Legal Advisory (08-02) from the State Chancellor’s Office, only TBA hours that fit four criteria can be counted as Weekly Student Contact Hours (WSCH): (1) a minimally qualified instructor is present; (2) students attend regularly, that is, they must enroll for a particular day/time; (3) attendance is tracked; and (4) course syllabus and/or outline gives the objective(s) for the hours and their affect on the final grade.

Foothill-De Anza has at least five types of courses that are TBA or include TBA hours: online, hybrid, lecture/lab, lab, and no-load hours. Some of these formats already fit all of the above criteria, for example, online courses. Others fit none of them, such as the no-load/embedded TBA hour in some English courses.

The first task requested of faculty was to remove the acronym “TBA” from Course

Outlines (thereby removing them from the College Catalog), the class schedule, and syllabi; such hours are to be renamed as “lab” or “online” time. That change is relatively simple and quick to accomplish. However, a curriculum review of all courses with TBA hours will take faculty much more time and deliberation.

The System Office Legal Advisory (08-02) makes it clear that lab hours require their own objective(s) so can no longer be used for “homework time.” The question to faculty, then, is whether lab hours have a sound pedagogical reason to be a part of a particular course: do such hours instruct students in new concepts or strategies, or do they provide practice to reinforce previous learning? The answer should provide a guide to the best course of action: reformat the hours to fit the new criteria, eliminate the hours, or design an alternative learning experience for students, such as an optional, concurrent non-credit course.

As they work on conforming to these new regulations, faculty are encouraged to contact FA with questions. These new regulations should not change faculty workload.

# Part-Time Load, Budget Reductions

(From Page 2)

will identify ways in which the colleges and central services can further reduce costs and apprise each employee group of the target dollar amount of its respective budget reduction. Without consensus about a pay cut (each 1percent reduction District-wide would produce \$1.2 million) or change in health benefits (a 10 percent reduction would net \$2.7 million), each group will be asked to prioritize what it would put on the chopping block—professional development leave, positions, compensation awards (such as PAA for faculty), conference and travel funding, salary, etc.

Novotny emphasized that the process will include “accordion” conversations between the District and union negotiators, between the negotiators and their constituencies, a back-and-forth dialogue to “find creative solutions” to the fiscal crisis. She further emphasized that discussions need to include a plan for prioritized restoration when the red ink turns to black.

Some might ask, “Why the rush about

budget reductions for next year—after all, we’re only halfway through this year?” That question has two answers: 1) should any full-time faculty jobs be eliminated—and, to be sure, there has been *no* discussion of this to date—Article 15 “riffing” negotiations must precede March 15 layoff notices; and 2) should health benefit changes occur, they must be completed before the April open enrollment period for the 2009-10 plan year.

FA reminds faculty that salary and benefits and working conditions are all subject to the negotiations process; no unilateral change can occur in any of these areas. Faculty can be assured that FA will bring to the table a deep and detailed knowledge of District history, of “solutions” that worked in the past—and those that didn’t, an understanding of the budget and its reserves and funding mechanisms, and a reputation for logic and creativity honed in similar fiscal crises in 1971, 1991 and 2003. The waters may be rough but the hand on the helm is steady.

# Go Slow on SLOs

(From Page 4)

Education Act, Section 1642 page 380, exempts community colleges from any mandated use of SLOs that interferes with academic freedom or faculty evaluation, FA remains concerned that the underlying purpose of whatever is implemented to assess student learning may, in reality, be to identify “poor” instructors. A last, but definitely not least, concern is increased faculty workload. Though the hours spent creating two or three SLOs per course seems innocuous enough, the time spent designing and fine-tuning rubrics or other evaluative measures to assess each SLO in each class, *plus* the time spent implementing and grading the assessments, *plus* the time spent revising the SLOs and their measurement tools likely quadruples those original few hours, every quarter for every class. Let’s not forget these tasks will go on top of what we already do to fulfill our primary assignments. And let’s not let the focus on accountability or “evidence gathering” overtake our real priority: the students

Robert Bezemek, FA’s legal counsel, shares the concerns that ACCJC is overstepping its authority and that SLOs could undermine academic freedom and circumvent union negotiations. His advice: go slowly and build in explicit safeguards.

# Email/Portal Training for Part-Time Faculty

All faculty, beginning Fall Quarter 2009, will be required to have and access a District email account (LastnameFirstname@fhda.edu) both for submitting grades and to receive important FHDA documents, such as the Notification of Acceptance Letter (teaching contract) and the Intent to Participate form for paid office hours.

As part of this agreement, FA negotiated for money to pay a stipend to part-time faculty who participate in District-sponsored training: \$25 for attending the email training and an additional \$25 for the portal training if faculty are among the first 350 to sign up (funds are limited). Training will be available on both campuses during winter quarter. Part-time faculty will earn one hour of Professional Growth Activity (PGA) for each session to use for step and/or column advancement (see Appendices C, B.1 and G for more detail).

Alternatively, faculty can find the information on how to set up a District email account or access the District portal by going to Educational Technology Services (ETS) webpages ([http://ets.fhda.edu/call\\_center/email](http://ets.fhda.edu/call_center/email), [http://ets.fhda.edu/call\\_center/portal](http://ets.fhda.edu/call_center/portal)) or by calling the ETS Call Center (408.864.8324). FA is working on trying to get faculty PGA hours for self-study. Part-time faculty may contact ETS to learn how to forward FHDA email to a personal email address.

Part-time faculty with questions should contact Mary Ellen Goodwin, Associate Secretary for Part-Time Faculty Interests ([goodwinmaryellen@fhda.edu](mailto:goodwinmaryellen@fhda.edu), 650.949.7746). A pink information sheet with details on training schedules will be in part-time faculty boxes early in Winter Quarter.

# NEWS

Volume 33, Number 3

FOOTHILL-DE ANZA FACULTY ASSOCIATION  
FA News is published nine times during the academic year by the Foothill-De Anza Faculty Association, an independent California corporation certified by the California Public Employment Relations Board as the exclusive employee representative for the faculty of the Foothill-De Anza Community College District.

Letters and articles from District faculty are invited. FA, 12345 El Monte Road, Los Altos Hills, CA 94022. Ph: 650.949.7544 Email: [ElwellSusanne@fhda.edu](mailto:ElwellSusanne@fhda.edu) Website: <http://fa.fhda.edu>

FA EXECUTIVE COUNCIL MEMBERS:

Bea Cashmore (F)	MaryAnne Ifft (DA)
Susanne Chan (DA)	Roger Mack (DA)
Kathy DePaolo (F)	Faith Milonas (DA)
Amy Edwards (F)	Anne Paye (F)
Karen Erickson (F)	Bob Pierce (F)
Mary Ellen Goodwin (DA)	Tim Shively (DA)
Nicole Gray (F)	Alan Simes (DA)
Richard Hansen, Pres. (DA)	Chris Storer (DA)
Meredith Heiser (F)	Laurel Torres (DA)

ADMIN. ASSISTANT: Susanne Elwell  
FA NEWS EDITOR: Linda Lane

FA

4

FA

5

FA

6