

Council of Representatives

Approved Meeting Minutes

October 23, 2008, 3:00 – 5:00 p.m.

Room # 5402, Cuesta College

Attendance according to the sign-in page:

Academic Skills/DSPS

(None)

Biological Sciences

Ron Ruppert
Mike Holmes

Business Education

Marilyne Cleeves

Counseling

Dana Gough
Julie Smith

Engineering and Technology

(None)

English

June Beck
Matt Fleming

Fine Arts

Michael Burns

Human Development

Bailey Drechsler (proxy)

Languages and Communication

John Arno
Beth-Ann Dumas
Tony Rector-Cavagnaro

Library Services

Kevin Bontenbal

Mathematics

Denise Chellsen
Barbara McGee

Nursing / Allied Health

Mary Ann Ambrose

Performing Arts

(none)

Physical Education

(none)

Physical Sciences

Debra Stakes

Social Sciences

Peter Dill
Kathryn Logan
Mark Weber

Student Life and Leadership & Health Center

(None)

Workforce Development

(None)

CCFT Executive Board

Allison Merzon – President
Mark Tomes – Sec.-Treas.
Victor Krulikowski –
Co-Grievance Officer
Peggy Wright –
Co-Grievance Officer
Jill Schubert – PT Faculty
Committee Chair
Andrea Devitt – COPE Chair

Visitors

(none)

The meeting was called to order by Allison Merzon at 3:04 p.m.

1. **Approval of Minutes**

A motion was made (Cleeves/Dill) to approve the September 25, 2008 Council meeting minutes, as modified via emails and the changes reviewed by Tomes. It passed unanimously.

2. **Culture of the Part-Timers**

Beck began a discussion about how part-time (temporary) faculty members are treated and feel at Cuesta College and in academia in general. She noted that part-time faculty members are treated differently than full-timers in more ways than just the obvious (such as less pro-rata pay); they feel that they have less academic freedom and that there is a culture

of “lesser than.” She said that it cannot be avoided “with the system we have,” but that the union is responsible for looking for ways out of it, to recognize it and do what it can to treat part-timers as equally as possible.

Beck noted that the CCFT Part-Time Faculty Committee had asked for stories to be sent anonymously showing how they had been discriminated against or had instances of less academic freedom. No stories were sent, but some part-time faculty members asked how they could be assured that the stories would remain anonymous, which, according to Beck, was an indication itself of a feeling of having less academic freedom, especially since such stories are shared freely when part-timers meet in person with only other part-timers at the meetings.

Both part-timers and full-timers made a variety of points, including

- some departments might feel less inclusive than others; one part-timer said his division does seem to engender this feeling of “lesser than”;
- another part-timer was asked to write a course outline but was given no guarantee that she would be given the course to teach;
- a part-timer can always get bumped by a full-timer;
- a part-timer at another college wrote “a whole program” but was bumped in teaching it;
- Cuesta College is not more biased against part-timers than other campuses – there is bias against part-time faculty members in colleges everywhere;
- unions and full-timers can help empower part-timers by educating them regarding “process.”
- at Allan Hancock College, if a part-timer gets bumped from a class, there is some monetary compensation; not so at Cuesta College;
- a part-timer was invited to look at textbook choices in her department – this is one way to include part-timers;
- it would be better to have mentors, full-time faculty members, experienced part-time faculty members, and other peer helpers teaching new part-timers how to teach *before* they get evaluated; have a part-timer’s first semester be learning the ropes and then start the evaluation process the second semester so one can get a better long-term picture of the part-timer’s skills;
- any time a full-time faculty member mentors a part-timer faculty member there is going to be an expectation to have to do what the full-timer says; that full-timer might be on the part-timer’s evaluation committee;
- part-time faculty members can get unemployment compensation if they are not employed over the summer because there is no guarantee of employment in the fall;
- we can fight for “little things,” but there are bigger issues, such as being treated as a second-class citizen, the attitude and culture of “less than”; it is subliminal (such as changing teaching patterns because of who will be on your evaluation committee; it is an issue of emotional integrity;
- one part-timer had a great discussion on pedagogy with other part-timers when (and because) there were no full-timers present;
- a part-timer said that a part-time faculty member must have an attitude of wanting to be a part of the faculty;
- there is nothing on the flex web site page specifically regarding part-timers even though part-time faculty members have different requirements than full-timers;
- part-timers should be notified of things pertinent to them, such as summer unemployment compensation;
- tenure-track faculty members have similar problems as part-timers;
- isolation of part-timers, such as having a separate building just for part-time faculty member offices, makes interaction with others in the department more difficult;
- new part-timers need mentoring, but the mentor should not be their subsequent evaluator;

- one part-timer noted that if she were guaranteed a certain load the following semester, she would not have to work so hard keeping a second job and could spend more time focusing on being a great teacher;
- a full-timer's negative remarks to a part-timer "can last for years," partly because "you don't hear much from anyone";
- one part-time faculty member said that a part-timer needs to get involved; one can learn a lot being on campus committees;
- a part-timer said she was treated much better when hired as a full-timer than she was when employed as a part-timer;
- a full-timer or part-timer can mentor; all are trying to make the department better;
- the Academic Senate has recently received an NEA grant for faculty mentoring; it was not known whether it includes part-timers.

3. **Revised Job Descriptions**

Merzon reported that the Executive Board has revised a number of CCFT officer, committee chair, and other position job descriptions; Tomes will send them to the Council members after he receives these revisions. Council members were asked to send final corrections to Merzon.

CCFT has no Vice President right now. A faculty member in the position could be compensated with release time, if filled. The position must be filled by a full-time faculty member (per the CCFT Bylaws). If anyone is interested in the position, contact Merzon.

It was noted that either a part-time or full-time faculty member can be a non-officer on the Executive Board and that stipends, in lieu of re-assigned time or release time, can be used for compensation and would not "count against" a faculty member's load.

4. **COPE Report**

Devitt introduced herself as the newly-appointed Committee on Political Education (COPE) Chairperson. She said that her philosophy is to think globally but act locally, such as focusing on the 2010 Cuesta College Board of Trustees election. She prefers to work with the Council of Representatives rather than tell people what to do.

At the beginning of the semester, there were eight faculty members donating a total of \$38 per month to the COPE fund through payroll deductions. Through Devitt's efforts in one week, that has now changed to 16 faculty members donating \$75 per month, and she hopes to increase that, as well. Devitt distributed blank COPE payroll deduction forms to the Council members for them to complete and return to her or Tomes.

Devitt noted that BOT campaigns can be expensive. Although candidates must live in one of five districts within the county (and part of Monterey County), elections are at-large within the entire community college district boundaries. It was noted that some faculty members would donate to a campaign if they knew who the candidates were, but also that it could attract candidates if a potential candidate knew that an organization had funds to help them in a campaign.

Tomes noted that Ken Burt, CFT Political Director, told the Executive Board that most California community colleges have "faculty-friendly" trustees and that it takes work to get them. Devitt invited all faculty members to join the Committee on Political Education; she would like the committee to hold some fun fundraisers.

The Tri-Counties Central Labor Council (our regional AFL-CIO/ California Labor Federation affiliate, covering San Luis Obispo, Santa Barbara, and Ventura counties) will hold its monthly meeting in Santa Maria on November 18, 2008 at 5:30 p.m. Merzon and Tomes are planning to attend, and any other CCFT member is invited to attend, as well.

5. **Secretary-Treasurer's Report**

Merzon distributed copies of an explanation of the audits that the EB recently approved. Tomes began the discussion by describing four types of examinations that unions and other organizations complete for various reasons.

First, AFT requires a low-level financial review annually from each of its locals; these are mistakenly called “audits,” and they are not designed to be a comprehensive examination of the treasury/books. CCFT has hired a CPA, John Pooley, to complete these financial reviews during the past few years, and Pooley’s report makes it clear that they are not audits and will not uncover improprieties or irregularities in the books.

In addition, Pooley is contracted by CCFT to complete an agency fee (or chargeable/non-chargeable) audit every two years to determine the percentage of CCFT expenses that can be charged to fair share fee payers. This is a very specific type of audit that, also, is not a comprehensive examination of the books or record-keeping practices.

Third, an organization sometimes will complete a GAAP (Generally Accepted Accounting Principles) audit. This is a comprehensive, in-depth examination of all aspects of the books and is designed to report on the financial record-keeping practices of the organization. It usually results in suggestions to remedy poor record-keeping habits, not following treasury-related policies, etc. This type of audit is commonly completed when an organization undergoes a change of leadership in order to assure both the past and current leadership and the organization’s members that the leadership was/is fulfilling its responsibilities in managing its members’ funds (“fiduciary responsibility”).

Fourthly is a forensic audit, a specific type of in-depth examination of the books that looks for irregularities in treasury record-keeping and possible improprieties and misuse of funds, including fraudulent activities. This is also a common type of audit completed when an organization has a change of leadership, again to show fiduciary responsibility by both the past and current leadership.

The CCFT Executive Board has recently approved both a GAAP audit and a forensic audit for the CCFT treasury/books. Neither have ever been completed by CCFT, so both (especially a GAAP audit) are overdue. The forensic audit will be completed first, and it will be at no cost to CCFT; AFT provides these types of audits gratis, as a service to its locals. The GAAP audit can be submitted to AFT in lieu of the financial review, and it will be less expensive to complete since some of the reports generated in the forensic audit will be used by the GAAP auditor.

Tomes noted that there has been some consternation expressed by a few union members and non-members, as well as the previous CCFT Treasurer, as a result of the EB’s approval of a forensic audit. He reiterated (from past meetings and email communications) that no one from the previous Executive Board is suspected of any improprieties and that he has seen none at all. However, he said that some practices by the previous EB (such as not following CCFT policy in approving large non-budgeted expenses, not using any kind of paper register or ledger sheet for the treasury, limited paperwork accompanying reimbursement approvals, etc.) have added to the argument of fiduciary responsibility in approving the forensic audit.

After questioning about how the approval for the audits and its announcement was handled, Tomes noted that the EB was aware that some previous EB members might be upset upon learning that a forensic audit had been approved, but also that the EB had not advertised the fact that the audits were being completed and that he had at every opportunity stressed that no one from the previous EB was being accused of any kind of improprieties. He also stated that, as the EB was educated over the past several weeks of the types of audits and the nuances of fiduciary responsibility, it became clear that the audits must be completed. Although the argument of fiduciary responsibility and the benefits of the audits to both the previous and current Executive Boards could have been emphasized earlier in the approval process, Tomes opined that it was the public gross mischaracterization of the EB’s intentions and many inaccuracies of the nature of the audits by some non-members and members that has caused most, if not all, of the consternation and controversy.

Merzon reminded the Council of an email from Dennis Smith, CFT Secretary-Treasurer, that had been forwarded to the EB that reiterated the responsibility of the EB in approving the audits. In addition, she noted that at a recent CFT Community College Council meeting

another new union President had asked her, "Have you done your forensic audit yet?", implying the commonality and appropriateness of the audit.

It was suggested that the listservs are being used inappropriately, that the reasons for the audits should be posted somewhere (Tomes responded by saying that they are in the minutes of the EB meetings, which are posted on the website), and that the results of audits should be published in the newsletter.

Next, Tomes reported that the Constitution/Bylaws Committee has been formed and an initial meeting date set. Tomes was appointed the chair of the committee by Merzon, and the other members are June Beck, Tina Lau, and Ralph Sutter. The first meeting will be on the SLO campus on Monday, November 3, 2008 at 3:30 p.m. (the room yet to be determined).

Legal Counsel for AFT analyzed the CCFT Constitution last summer and found it out of legal and affiliate compliance in a number of key areas. They suggested that the Constitution be entirely re-written rather than amended. Responding to certain questions, Tomes stated that the EB will be guiding much of the re-write, that there will be many opportunities for the Council members and CCFT members to comment on the drafts, and that the Constitution cannot be changed without a two-thirds majority vote (of those voting). The new Constitution will probably be up for a vote in its entirety, rather than in sections, as the latter would make approving the Constitution too unwieldy.

6. **Negotiations Update**

Merzon reported on the status of contract negotiations. The CCFT Negotiations Team consists of Shannon Willson (Chief Negotiator), Merzon, Tomes, and Holmes. Those four will meet at the end of October, and then the first negotiations meeting with the district will occur at the beginning of November. Merzon made note of a website that publishes actual community college faculty/district contracts so that CCFT members have a free additional resource for sample language of topics pertinent to their interests.

7. **Grievance Officer Report**

Merzon distributed copies of a handout, entitled, "Know Your Rights 101: Quiz!" It focused on Weingarten rights, referring to a 1975 U.S. Supreme Court ruling which affirmed the rights of employees who are being questioned by their employer and have reasonable cause to believe that disciplinary action could result and/or are subject to an investigatory interview. Such employees have the right to have a union representative at the meeting, or else the meeting must be ended upon the employee's request. The ruling has been extended to private sector employees in some states.

Merzon recently has been appropriately notified by the district when administrators or managers have asked faculty members to attend certain meetings, and she has taken the opportunity to educate the faculty members of their Weingarten rights. She hopes to eventually ensure that all faculty members know of these rights. She also noted that faculty members should educate themselves of contract language and "document, document, document" everything that occurs in meetings in which discipline could result or occurs, including names of the meeting participants, the date and time of the meeting, and the contents of the meeting.

Merzon noted that a pro-active and collaborative approach has been very effective in dealing with the district regarding faculty issues so far. Many issues have been decided in the faculty's favor without needing to move to a higher, more time-consuming, and costly level.

It is hoped that the decision of an arbitration case will be known in November.

8. **Division Concerns**

Regarding concerns brought up at a previous Council meeting surrounding workload exchange, substitute instructors, and part-time instructors, Merzon responded that the specific issues are not addressed in the contract.

A discussion about the substitute instructor fund set up by the district ensued. The district appears to be concerned that some faculty members are using the funds

inappropriately. Many Council members expressed the idea that all faculty members (both full-time and part-time) have the right to use substitutes whenever they believe it is appropriate. One faculty member suggested when it might be appropriate and inappropriate to take time off from the classroom. It was noted that the district has a long history of under-budgeting the substitute instructor fund and then attempting to limit its use by instructors. Finally, it was noted that no instructor should feel pressured to use the workload exchange program instead of a substitute instructor; it is ok to ask for a sub.

8. **Other**

Merzon distributed copies of a letter from Marty Hittelman, CFT President, to Barbara Beno, President of the ACCJC (Cuesta College's accrediting agency), calling upon the ACCJC to amend its standards to conform to state laws regarding collective bargaining and academic freedom rights. To wit, Hittelman tells Beno that the ACCJC is overstepping its bounds by demanding that Student Learning Outcomes be used in evaluating faculty and also must be a part of course syllabi. Hittelman asks the ACCJC to take prompt and appropriate action to remedy the problem.

Information from the recent Community College Council meeting has been posted on the CCFT website.

Merzon noted the recent email postings by a non-member asking for interest in a different union affiliation and also threatening to sue the union and/or Executive Board members for a variety of issues. She stated that while faculty members have the legal right to explore other union affiliations and threaten lawsuits, the postings must be seen by the President of CCFT as an attack on the organization. It is her duty as President to protect the organization, and hence she must alert CFT and the CCFT attorney regarding such activities, the latter of which always results in a response by the attorney with resulting costs to the membership.

The first CCFT newsletter of the semester, *The Union Advocate*, has been published. 20 color and more black-and-white copies were printed; they were distributed to Council members with the suggestion to post the color copy in their division staff rooms. The newsletter will be posted on the CCFT website soon, as well.

It was decided that Merzon will make it clear in emails to Council members when information and/or attachments should be forwarded to division faculty members. There was a discussion about using Outlook's email distribution list and sending emails to all faculty in the division or just union members in the division. One division representative will be letting all the faculty members in that division choose whether to receive union emails or not. There was discussion about forwarding COPE emails.

A motion was made (Beck/Holmes) to adjourn the meeting. It passed unanimously.

The meeting was adjourned at 5:03 p.m.

Minutes respectfully submitted by Mark Tomes, Secretary-Treasurer.