



Council of Representatives

Approved Meeting Minutes

February 25, 2010, 3:00 – 4:30 p.m.
Room # 5401 Cuesta College

Attendance according to the sign-in page (p = present, a = absent):

Academic Skills/DSPS

(No elected rep)

Biological Sciences

Michael Holmes (a)
Nancy Mann (p)

Business Education

Michele McAustin (p)
Traci Robichaud (p)

Counseling

Dana Gough (a)
Julie Smith (p)

Engineering and Technology

David Fernandez (p)

English

(No elected rep)

English as a Second Language

(No elected rep)

Fine Arts

Douglas Highland (p)

Health Center

(No elected rep)

Human Development

Dawn Brown (p)
Margie Perez-Sesser (p)

Languages and Communication

John Arno (a)
Beth-Ann Dumas (p)
Tony Rector-Cavagnaro (p)

Library Services

Kevin Bontenbal (p)

Mathematics

Denise Chellsen (p)
Julie Hoffman (p)
Barbara McGee (p)
Jodi Meyer (p)

Nursing / Allied Health

Mary Ann Ambrose (a)
Cathy Cyr (a)

Performing Arts

bree valle (a)

Physical Education

Brian Locher (a)

Physical Sciences

Debra Stakes (p)

Social Sciences

Peter Dill (p)
Kathryn Logan (p)
Mark Weber (p)

Student Life and Leadership & Health Center

(No elected rep)

Workforce Development

(No elected rep)

Executive Board (non-voting)

June Beck, Communications Chair (p)
Marilyne Cleeves, PT Fac. (p)
Peet Cocke, VP (p)
Victor Krulikowski, GO (p)
Allison Merzon, Pres. (p)
Mark Tomes, S-T (p)

Visitors

Dennis Baeyen

Bontenbal opened the meeting at 3:09 p.m. when a quorum was reached. The meeting was chaired by Bontenbal.

1. Approval of Minutes

A motion was made (Smith/Highland) to approve the January 28, 2010 Council of Representatives meeting minutes. It passed unanimously.

Bontenbal began by stating that, in order to make the Council meetings more meaningful and productive for Council members, a number of changes were being made. Division concerns will be near the top of the agenda, and the meetings will avoid being “information dumps” from the Executive Board. Room 5402 has been reserved for a different group for the semester at this Council meeting time, but since it appears to be empty today, he will check again to see if it is available, as it makes a more workable meeting place.

## 2. **Division Concerns**

Fernandez reported that the new program review (unit plan) process requires a lot of extra work for his division faculty, particularly since they met the December 2009 deadline for planning and now they are being asked to re-do their work in the new format. Other divisions echoed concerns about the new planning process:

- administrators want a quick turnaround but have only given a few weeks to complete the documents
- first faculty members were told to complete the documents in Word, but then they were changed to Excel
- the documents are user-unfriendly
- the administration is expecting the chairs to train all the faculty on the process and documents
- the documents were supposed to be populated with data to complete the planning process, but the documents were received with no division data in them
- the documents were never beta-tested – faculty are expected to find the bugs
- the administration has provided very little assistance in ensuring that the documents “work right”

Dumas noted that the Senate wants the documents to meet ACCJC standards, but they can only do so much without administration assistance.

Some members had questions regarding the election on the CCFT dues restructuring, particularly about the amount of release time for officers and whether that was why dues were being increased for some faculty members. Tomes responded by saying that the recent email by a non-member questioning the CCFT budget and expenses was full of inaccuracies. He said that he has been Treasurer of CCFT for 12 of its 16 years, and he has never seen an Executive Board as frugal as the current EB. The CCFT officers did not take a stipend last summer, it was obvious the person appointed to the COPE chair position but could not follow through on the duties was not going to get the stipend, and that Merzon was allocated 100% release time by the Council but is only taking 80%. He also noted that it was the Council that approved the increased release time for the CCFT officers. Tomes encouraged anyone who has any questions regarding the budget or CCFT expenses to ask him; this has been the most transparent EB in the history of CCFT.

The district is looking at a retirement incentive program; the work done by some faculty members and the business office shows that the district can reap substantial savings if it implements a “golden handshake” program. CCFT hopes to negotiate a retirement incentive program by the end of the spring semester.

Reps from the Social Sciences division reported that they “are very happy with the union (CCFT).”

Dill reported that Brent LaMon, the Student Learning Outcomes Assessment Coordinator (SLOAC), has stated that the faculty seem to have two concerns about the SLO's: (1) student outcomes will find their way into faculty evaluations and (2) the faculty will do the forms one way and then the forms will change and have to be done all over again. LaMon is reported as noting that the former concern is valid, given the ACCJC's past statements. Merzon stated that evaluations must be negotiated. LaMon, the Senate, and CCFT are developing a statement of principles explicitly stating that SLO's will not be used in evaluations.

### 3. **Faculty Manual**

Dumas reported that the Faculty Manual Task Force is asking for guidance on whether to ask the chairs to discuss a statement that might go into the manual regarding class cancellations (when a faculty member must miss classes). There currently is no district policy regarding class cancellations, although some Council members reported that their chairs have told them that their deans are saying that there is no funding for substitutes and to not ask for subs for one class cancellation.

Dumas said that the task force wants to ensure there are no conflicts with union desires. The only mention of class cancellations in the collective bargaining agreement (CBA) has to do with completing leave forms. Likewise, it was noted that the faculty manual cites policies and could have an “official tone,” so anything written should not work against faculty members.

A discussion ensued regarding class cancellations. One division voted against posting a list of all class cancellations for the day in the division lobby, but is not opposed to posting a class cancellation on the individual classroom door. Faculty should not be expected to have to notify their students of a cancellation. Regarding the lack of funds for substitutes, Merzon noted that the budget was only \$50,000 and that faculty missed only about 1% of the total classes in a recent semester; having subs should not be the issue that the administration is making it out to be.

Some members stated that the division chairs should work with the task force in helping to write something, but Dumas said the task force did not want to write each division’s class cancellation policy. Instead, a “best practices” list might be a good way to handle this part of the faculty manual.

A motion was made (Dumas/Robichaud) to invite the division chairs to assist in developing a best practices statement for class cancellations for the faculty manual. The motion passed unanimously.

### 4. **Part-Time Faculty Bumping Rights MOU**

Bontenbal said that this agenda item is the first in a series for educating the Council and members on different aspects of the CBA. Council members are encouraged to suggest other parts of the contract to discuss at Council meetings.

Cleaves noted that the current union newsletter contains the entire MOU and an explanation of its application; basically it says that a Level II temporary faculty member can bump a Level III faculty member if a class of the former gets cancelled (assuming they are qualified to teach the other course – the chair and dean make that determination).

Merzon noted that developing this MOU brought up a myriad of other issues, not the least of which is that divisions handle initial course assignments very differently from each other, including such issues as who is in Level II, how course cancellations are handled, etc. It would be beneficial to get standardization on these issues.

Cleaves pointed out that the MOU sunsets in Fall 2011, and she urged the faculty to implement it without disagreement so that it can be renegotiated and placed permanently in the contract.

The question arose of whether assigning “Staff” to a course circumvents the MOU, but Merzon said that a faculty member is assigned a load and can use that to determine if their course is cancelled. She also noted that the deans have rights of assignment of loads, so any grievance on loading issues should be directed at them, not at division chairs.

Another issue that arose is whether a faculty member in Level II must start at Level II to teach a course in another “area” within the same division. Some divisions have clearly defined areas of discipline, while in other divisions, it is very murky. It is important to look at minimum qualifications. Cleaves said the Part-Time Faculty Committee has some ideas to help resolve some of these issues, but the first step is to implement this MOU.

## 5. **Faculty Role in Accreditation**

The Accreditation Steering Committee is being populated again to work on the ACCJC's action to put Cuesta College on probation status. Some Council members noted the incredible amount of work done by faculty on accreditation reports over the past few years, only to have the administration fail to implement key portions of it, resulting in Cuesta being downgraded to Probation status by the ACCJC. All of the current recommendations from the ACCJC have to do with administrative tasks; there are no problems with the quality of teaching or other faculty aspects of Cuesta College.

Bontenbal stated that the faculty should have a voice in determining policy, but there is frustration in having no authority to implement the policies.

Dumas reported that the Senate has been working closely with the Executive Board and has a shared understanding with it to have faculty have a meaningful role in the process by providing feedback to the administration on the recommendations without having to actually write the report.

It was noted that it is now March and the administration has offered no analysis of the ACCJC recommendations; there is not even a plan for a plan for what to do. It will be up to the faculty to develop the plan for how to respond to the ACCJC. It is time to hold management responsible and to let the managers, administration, and Board of Trustees know that "we expect them to do what is needed to lead us out of this mess." It was suggested to send this message to the Board of Trustees at their next meeting (on Wednesday, March 3, in Arroyo Grande).

## 6. **Constitution, Bylaws, and Contract Access**

Beck brought up the issue of how, unlike the Constitution and Bylaws, the CBA on the CCFT website is difficult to access. It is not searchable, and there are few links to important parts of it. CCFT had received a scanned contract document from Human Resources, so it has been difficult to work with. Apparently, HR did not want to send a document that could be altered, although some Council members noted that even locked pdf and scanned documents can be modified. Some members asked for a searchable document. Dumas said the Faculty Manual Task Force would like to link parts of the manual to the contract. It was noted that HR will send to anyone who requests it a paper copy of the contract.

## 7. **CCFT Statement on SLOs**

Merzon asked Council reps to ask division members about any concerns they have about student learning outcomes. LaMon will be developing, with CCFT and the Senate, a Statement of Principles regarding the implementation of SLOs. Please bring feedback to the next meeting.

A question arose regarding whether to survey (on union issues) all faculty members in the division or only CCFT members. It was decided to leave that up to the individual Council rep, as CCFT has a policy to be as inclusive as possible some divisions have non-members that are not friendly to anyone who brings up union matters.

## 8. **Discussion/Dissemination of Unfair Labor Charge**

Copies of the entire Unfair Labor Charge were handed out to Council members who wanted to see it (they were asked to return all copies by the end of the meeting). Merzon reported that all of the charges have been previously addressed by the CCFT Negotiation Team. It was noted that two of the three charges (the date on the cover sheet of the CBA and the dental MOU language that needs to be placed in the contract) actually could have been remedied by the previous CCFT President (Marilyn Rossa, who is also the primary person bringing the ULC against the union) since she was the one who signed off on that contract; the person signing off on the contract is responsible for ensuring its accuracy. Merzon noted that CCFT and the district are committed to remedying these two problems, but negotiations have taken a very long time to make even minimal progress on most issues.

The third charge (regarding dental fringe and premiums) is still unclear to the Executive Board and CCFT Negotiation Team, as Rossa has offered no clear explanation of exactly what needs to be remedied nor any documentation to support anything regarding her charge, and in fact, Rossa's most recent response to PERB changed the nature and details of her original charge, confusing the matter even more.

Merzon noted that Rossa has offered no notes regarding negotiations that occurred after December 2007 (7 months before Merzon took office), and what notes on previous negotiations that Rossa did give to Merzon was minimal. Rossa also has refused to meet with Merzon and the CCFT Negotiation Team to discuss negotiation issues.

Rossa's charges have been dismissed in two other venues: with the district and by PERB (in a charge against the district). CCFT is waiting to hear PERB's ruling on the current charges against the union. Tomes was asked how much Rossa's charges have cost CCFT in legal bills; he estimated about \$10,000 and that there have been recent months in which the case with the largest legal bill was the one dealing with Rossa's charges.

#### 9. **Board Policies Changes**

Bontenbal reminded Council members that he had emailed to them the draft Board of Trustee policy changes regarding registration, and he asked for feedback on them. Tomes noted that CCFT is listed in only one place on a policy development flow chart, and even that is only to receive information. He said that CCFT is much more involved in and has more rights regarding policy development than the flow chart would indicate. The flow chart needs to be revised to reflect this.

#### 10. **Unite for Public Education Rally**

Merzon reported that a rally to support funding for education will take place at Abel Maldonado's San Luis Obispo office on Thursday, March 4, 2010 at 3:00 p.m. The Executive Board will be there in lieu of its regular meeting that day. A flyer for the rally was distributed.

#### 11. **College Budget Update**

Merzon gave a short report on the college budget, noting that she has been asking the district for the actual cost savings of cutting 300 course sections last fall and of cutting the Summer 2010 session. She has yet to receive that information.

#### 12. **Negotiations Update**

Merzon reported that mediation was very disappointing. CCFT has been requesting a meeting for more negotiation time for Articles 8 and 9, which we are very close to settling on with the district, but the district was told by the mediator that if CCFT did not respond to a meeting within one week after mediation that the district could call him to let him know they were ready to go to fact-finding. The mediator never told CCFT of this process or deadline, so when the district did not hear from CCFT (because the mediator had told CCFT that the district would be contacting us for proposed contract language on Article 8), the district declared they were ready for fact-finding. CCFT is investigating this issue further.

To further complicate matters, a confidential employee not on the district negotiation team was communicating with CCFT in lieu of the district team members. CCFT is in the process of deciding on our appointee to the fact-finding panel.

Merzon reported also that the district had hired a consultant to examine the potential savings of a retirement incentive program and that the consultant had determined that it would be in the district's best interests to offer such a program (see above). CCFT is working to have a program in place by the end of this academic year. Faculty members will have 45 days after notification to enroll in the program. The more faculty that enroll in the incentive program, the more in savings the district will reap.

There was a discussion regarding whether to hold a CCFT membership meeting on March 25 to discuss a variety of issues, including having a guest speaker that Merzon heard

at the CFT Leadership Conference two weeks ago who spoke about intellectual property rights, faculty privacy rights, and free speech zones. Regarding the latter, 40 California community colleges have designated certain areas on campus as their only free speech zones. Some colleges require a two-week application process before someone can practice their "free speech." These new policies appear to be a clear violation of free speech rights, and many unions are challenging the district policies.

A motion was made (Rector-Cavagnaro/Dill) to have a short Council meeting on March 25 and then adjourn to a CCFT full member meeting at 4:00 p.m. The motion was unanimously approved.

### 13. **Secretary-Treasurer's Report**

Tomes reported that all of the Constitution and Bylaws amendment proposals had been approved by the CCFT membership in its recent election, including the dues restructuring.

There is \$11,481.28 in the CCFT treasury, and CCFT will be receiving a dues check next week, putting us at about \$32,000. However, we currently have about \$31,000 in outstanding invoices to pay, so we will have about \$1000 in our treasury by the end of next week. There is \$4102.19 in the COPE treasury, with \$970 of that in the Board of Trustees election account.

### 14. **Grievance(s) Update**

No report.

The meeting was adjourned at 4:48 p.m.

Minutes respectfully submitted by Mark Tomes, Secretary-Treasurer.

Next Council of Representatives meeting: Thursday, March 25, 2010.

Next Executive Board meeting: Thursday, March 18, 2010.