

Yuba College
Academic Senate
M I N U T E S
March 19, 2009

Senators Present: Nickolson (president), May (vice-president), Boren, Buckley, Canto-Lugo, Davidson, DeVries, Heaton, Kemble, Kitchen, Morgan, Ramsey, Willson

Guests: Brown, Caputo, Jensen-Martin, Heilman, Jukes, Langston, Lopez, Mendoza, Michel, Orton, Ruiz, Smith, Stafero, Stemann, Stranix, Syda, Turner, Wachman

Meeting was called to order at 12:02.

Nicholson supplied “healthy” cookies that turned out to be quite good, despite their healthiness

1. Agenda: Approved
2. Minutes: none ready for approval
3. Item: Response to Board of Trustee’s actions
 - a. Nickolson rehearsed the reasons that a response is needed. The latest in the continuous series of circumstances requiring a response: the Board disregarded a Senate recommendation about tenure (which they have the right to do) without following due process according to law and to their own policies and procedures (which they do *not* have the right to do). Each Senator suggests an idea regarding the response, with rebuttal following later. Then the floor will be open to everyone. Michel recorded ideas on the whiteboard (transcription follows minutes).
 - b. Davidson: Four points:
 - i. In his opinion, the Board is ignorant of its own policies and procedures, and thus should be seen not as opponents, but as co-victims being exploited just as the Senate is.
 - ii. Our focus should be on preventing loss of accreditation.
 - iii. Any action should be aimed at changing the direction we’re in to true shared governance. He will not support any suggestions that don’t support this move.
 - iv. The best way to deal with people in a situation like this: assume they have good motives. Being spiteful only gives them more power. Ideas should thus be phased in, increasing the pressure rather than doing everything at once.
 - c. Willson: the Board members have largely been the same over the past two presidencies, so we need to make clear to new members that these problems exist so they won’t be contaminated by the older members. She also emphasized that

information the Board gets comes from the Chancellor, not from Nickolson or May.

- d. Boren: the Senate needs to keep itself separate from the union, leaving the “dirty work” to the union and remaining above reproach and professional in its focus on academic matters.
- e. Heaton:
 - i. Isn't Nickolson's letter to the Board already a first step? How can we decide on appropriate action now if we haven't yet had the opportunity to meet with the Board, as we requested in the letter? Nickolson responded that she had requested a meeting 5 days earlier but had not received a response. She has also contacted the State Academic Senate and the AAUP; on April 3, there will be a workshop given by Beth Smith on evaluation and tenure.
 - ii. If the Board is not following the Ed Code, what recourse do we have? Nickolson responded that the Senate has access to a lawyer from the Chancellor's office.
- f. Buckley: We need to find and state our common ground in shared goals for the betterment of the school. From there we can ask how to establish a better relationship. We should also find out from them where *they* believe the contention started.
- g. Canto-Lugo: we must be careful not to act emotionally. He would like to see the Board's reaction to the letter first, and then take it from there.
- h. May: agrees with the admirably idealistic and principled observations and suggestions so far, and noted that we are facing some who are not so. (May emphasized that he does not include President Mendoza in this group.) But, he asks, what more are we waiting for? It's time to call for recall elections and Grand Jury investigations into the closed door proceedings, as well as the slew of settlements, lawsuits, and grievances against the District. He has lost faith in the Chancellor, the HR Director, and the Board.
- i. Kitchen: we need to whatever is necessary to clarify the role of shared governance for the Board, so we should contact an attorney to find out our options.
- j. Willson: How does the Grand Jury process work? Kitchen explained that any citizen from any of the counties served by Yuba College may request an investigation.
- k. Kemble spent most of his time typing, so didn't have much to say. He did note, though, that, especially since the Board hasn't turned over much, they really have no excuse for being ignorant of their own policies and procedures.
- l. Travis Smith:
 - i. After the last Board meeting, any response to the Senate's letter should include an apology.

- ii. Recommends shying away from recalling *all* members of the Board because some clearly respect others' dignity.
- m. Brian Jukes:
- i. Goal should be to clarify the role of the Senate because many, if not all, including the Administration, are ignorant of that role and the processes required because of that role.
 - ii. The Senate has been overly patient as the Board has set up an adversarial relationship by showing contempt toward the Senate and its authority.
 - iii. Example: Though he was on the hiring committee of a previous District hire, that of Willard Wright, proving that the precedence was in place, they nonetheless hired a Vice Chancellor without any faculty involvement, claiming that a) the hiring manual was being revamped and b) faculty would not be interested in a District level hire. Imagine their astonishment and outrage if the roles were reversed: if faculty hired an instructor and did not involve the Administration because "we didn't think it would matter to you."
 - iv. We need to reestablish the purview and authority of the Senate.
- n. Kevin Orton:
- i. Shares the views of Davidson and Smith. He sees desires to work things out as a "sign of youth," with animosity seeming to come from the "side of experience." But what he has observed has him seeing himself as becoming "tainted."
 - ii. His 15-year-old son, who attended the last Board meeting, clearly say and commented on the Board's and Chancellor Harrington's contempt for the Senate and faculty.
 - iii. The Senate needs to "trod the high road but be of iron."
 - iv. At the last Board meeting, President Fairchilds mentioned the "10+1," but there seems to be a lack of understanding of the concept. The Board's attitude seems to be, "What do we think the Senate has the right to do, and how much can we tear into that without getting into trouble?" rather than taking advice into consideration.
- o. Lisa Jensen-Martin:
- i. For the first time since she has been president, the Board did not present itself as unanimous, when Trustee Nicholau spoke up (seemingly genuinely).
 - ii. The Board claims not to talk about things in closed session, yet they consistently end up with the same opinion.
 - iii. Agrees that the Senate and union need to be clearly delineated, but the Senate has been spit upon—no Senate has been treated as badly as this one.

- iv. The Senate needs to figure out what legal options it has to get respect, authority, and rights back. We have been nice, perhaps not as aggressive as we've needed to be because we've taken the high road. But something strong needs to be done to change the behavior.
- v. The Board attitude seems to be, "The lawyers have said okay; if it turns out not to be so, we'll take it back." Kemble noted that, as with his analogy between the Administration and Lee Atwater's political tactics (denial, misdirection, and fear), the use of lawyers in this way is similarly classic Atwater, enabling some pretty nasty things to happen during the Bush Administration.
- vi. Jensen-Martin emphasized that we must not take responsibility for Board actions away from the board. They are all given policies and job outlines for each area. They should know what they are required to do; they are just relying on the Chancellor too much.
- p. Larry Michel:
 - i. The Senate should get a legal opinion from the Chancellor's office lawyer.
 - ii. There is no doubt in Michel's mind that the Board consistently goes against the Brown Act. He will be curious to see what differences there are between the Board meeting and its minutes. The Board should be challenged in every county using specific, clear examples of these violations. And there are violations: Nicholau has announced that the Board always agrees because of its closed session discussions.
- q. Lauren Syda:
 - i. Clearly, we have not been witnessing shared governance.
 - ii. At Board meetings, the Senate should present all requests for action in a formal letter that clearly outlines shared governance requirements and the Board's policies.
- r. Kitchen noted his many roles on the campus, including on the adjunct's union. If that union can join in the struggle, they will.
- s. May noted Galamba's email stating that
 - i. Woodland is on board with the letter that May sent out in lieu of a Vice President's report (attached after these minutes)
 - ii. Woodland faculty have a current problem with President Fairchild.
- t. President Mendoza: [I love Paul, but he rambles... this is meant as a distillation of his points... did I miss or misunderstand any of it?]
 - i. had requested permission from Nickolson to attend the meeting, even though he knew that it was an open session and such permission wasn't necessary.
 - ii. He believes his regular meetings with Nickolson and May have had some success.

- iii. Since the November workshop on shared governance, he has been seeking clarification on the roles of president, chancellor, board, and senate. All these need to be clear.
- iv. He affirmed that he has become the Board designee, and he is committed to accepting any responsibility that is assigned to him in that position. For now, he sees his role as two-fold:
 - 1. to work with the Board to move issues forward with academic members. He therefore will recommend that the Board, in part or in whole, meet with the Senate as the Senate has requested.
 - 2. to clarify and establish the president's role as Board designee so that the new president can fulfill that role effectively as well.
- v. He believes that some Board members may not have a full understanding of shared governance, in part because Board Policy 2510, on the Board website, is incorrect re: the issue of shared governance.
- vi. Summary: the Senate has his commitment to work toward openness and transparency in his role as the new designee.

4. Motions:

- a. Talk to the Chancellor's office lawyer to find out our options. Motion carried.
- b. Investigate censure of the Board through AAUP. Motion carried.
- c. Contact Grand Juries of all counties based on the Board's lack of compliance with the Brown Act. (Discussion: Davidson expressed concern that this is firing all guns at once, rather than applying increasing pressure. Michel noted that the Grand Jury process is easy, but lengthy.) Motion carried.
- d. Move ahead with open letter to the community (attached after minutes) signed by Executive Council and Senate. (Discussion: Turner questioned whether it should be put out at this time; there has been lots of negative press toward Yuba College in the paper, so the letter might not have the desired impact. Kemble and Jensen-Martin noted that, judging from the comments on the negative article, the community is in fact critical of the Board. Davidson expressed concern that the letter reflects a matter of employment for classified staff, not faculty, and that he doesn't like voting on the letter as a Senate if the letter is not being sent *by* the Senate. Kemble agreed that this should be a faculty letter, not a Senate letter.) Motion did not carry.

Meeting adjourned at 12:55 p.m.

YUBA COLLEGE ACADEMIC SENATE

TO: Academic Senate Members
FROM: Helen Nickolson
SUBJECT: Weekly P Report
DATE: March 18, 2009

1. President Mendoza, President Fairchilds, Chancellor Harrington, George Galamba, Dena Martin, Tim May, and I met on Thursday, March 12.
 - a. We tried to clarify “district” versus “college” areas. It turns out that Flex is now college and May and I will be talking with Mendoza about coordination. Renee Hamilton will still provide office assistance to both colleges.
 - b. Galamba, Martin, May, and I stated that we would prefer to have as many areas as possible coordinated/approved/discussed at the local instead of the district level. There are too many issues that each college has to face and to have to always coordinate is extremely time-consuming.
 - c. Woodland is considering a separate AA/AS degree. May and I stressed that this particular issue should be discussed at the Curriculum Committee level. Although curriculum is under the Senate, the Yuba Curriculum Committee has long-established processes such as General Education hearings, Associate Degree hearings, etc. and the Senate does not need to micromanage those processes.
 - d. Harrington asked what she might do to improve the situation with the Senate. May and I responded that we need to guarantee faculty representation on administrative hiring committees; that we want to re-establish the Senate President as co-chair of administrative hiring committees; that we need faculty on administrative evaluations; that we want the Senate to have training workshops with the Board of Trustees to ensure that everyone is on the same page; that we need to ensure that the 10+1 areas of “primacy” and “mutual agreement” are protected.
 - e. I forgot to check on who is actually the Board’s designee. According to Trustee Rai, Mendoza is the Board’s designee. I also forgot to ask why Trustee Buchan announced at the Board meeting that no action had taken place in closed session regarding tenure but later said that the Board had made their decision only two and a half hours earlier.

- f. Harrington will provide clarification on what is district versus college.
2. Internship Program: Several faculty had worked very hard a couple of years ago on a model for a faculty internship program at Yuba. It was presented at a Board meeting and the Board responded very favorably. However, nothing has occurred since that time, and I was contacted by the faculty to let me know how upset they are. I asked Dr. Harrington early this past fall about the status of the internship program, and I was told that she needed to discuss this with YCFA before moving forward.
3. Area A workshop—I will be attending this workshop next Friday, March 27th at San Joaquin Delta College. At these workshops we discuss Senate resolutions which will be presented at the Plenary Sessions and other Senate issues. If any senators would also like to attend, please let me know so that I can RSVP.
4. I've been working on the Evaluation and Tenure procedures and have sent the latest draft to YCFA, HR Director Alt, President Mendoza, VP Trutna for additional feedback regarding technicalities. I hope to be able to send it to the Senate within a week or two for further suggestions.
5. I attended the YCFA Meeting yesterday.
6. Letter to Board—I sent a letter to the Board of Trustees asking them to meet with the Senate:

March 14, 2009

Alan Flory, President
YCCD Board of Trustees
2088 North Beale Road
Marysville, CA 95901

Dear President Flory:

On behalf of the Yuba College Academic Senate, I am writing to request a meeting between the Board of Trustees and the Senate. The Senate feels that we should jointly develop a plan to improve relations between the two groups. This may require requesting assistance from the State Academic Senate and the Community College League of California.

As prescribed by law, the Academic Senate serves as partners with the Board of Trustees on matters involving curriculum and academics. In addition, Board Policies also prescribe certain roles and responsibilities for the Board and for the Academic Senate. On the matter of tenure deliberations, for example, the Board is to rely primarily on the advice of the Senate. The Senate insists that such a policy can only be upheld by establishing a routine of communication. Over the years, the Board has unfortunately become increasingly isolated from the Senate and the college community. Together we can address the communications problems the District currently faces.

We hope that you and the other Trustees view this request positively and as a means of improving the strained interaction we currently have.

Sincerely,
Helen Nickolson, President
Yuba College Academic Senate

Copies: YC Academic Senate

YCCD Board of Trustees

Dr. Harrington, YCCD Chancellor

Mr. Mendoza, Yuba College President

Craig Flanery, AAUP Senior Program Officer, and
Executive Director of the California AAUP

Mark Wade Lieu, State Academic Senate President

To citizens of the Yuba Community College District:

Last Friday, a part-time employee was fired from Yuba College for a minor infraction of workplace rules. After lengthy, secretive deliberations by highly paid school officials, lawyers, and locally elected members of the Board of Trustees, a secretary was given a dismissal notice for removing a discarded table she had earlier been granted permission to possess. The fired employee insisted upon something that the Yuba Community College Board avoids whenever possible: a public deliberation. As a result, the community was given a glimpse of the petty, misguided management practices of those in charge of the Yuba College Community College District.

At the end of the hearing for the dismissed secretary, an attorney for the school district said this was a signal to employees to “stop doing things the wrong way.” Yet the teachers and counselors of the District are far more alarmed by the decisions of those in charge who are doing things in ways that are both irresponsible and illegal. Last fall, Chancellor Nicki Harrington persuaded the Board of Trustees to ignore a formal written request endorsed by a clear majority of the full-time teachers that the HR Director be dismissed for malfeasance. In response, the Chancellor and the Board publicly mocked the faculty’s carefully deliberated position, presenting the HR Director with still more authority. This spring, the harassment of employees continues. Lawsuits have been filed by dismissed or aggrieved employees--suits that are settled at great cost to taxpayers by attorneys on permanent retainer. Matters of public interest are routinely deliberated and decided behind closed doors, with “unanimous” votes announced later and little explanation provided to the public. Written Board policies and Education Code regulations are routinely ignored; when faculty leaders protest, they are met with expressions of disdain by Board members.

There is, in short, a crisis of leadership in the Yuba Community College District. The faculty leaders of the College District are requesting a grand jury investigation of recent management improprieties, especially the legal maneuverings and secretive deliberations of the Board. We are also alerting voters in the five counties of the College District that a recall election of our Board of Trustees may be necessary in the very near future.

We may soon be asking local citizens to help us address these many problems. Meanwhile, we ask that citizens stay informed of developments at Yuba and Woodland Colleges in the months ahead. We especially ask for the support of those citizens who have been well served by the dedicated teachers and staff of our college district.

Whiteboard notes taken by Larry Michel

1. Board ignorant of policies/procedures
2. Change present to shared governance
3. Take high road; let them wallow in the mud
4. Board doesn't turn over
5. Careful Senate/Union differences
6. What is going on with meeting with the Board?
7. Lawyer at Chancellor's Office
8. Shared goal "betterment of school"
9. Recall Board / Grand Jury
10. Board perspective
RE-ESTABLISH
11. Clarify shared governance role with Board