

Los Rios College Federation of Teachers
2126 K Street
Sacramento, CA 95816
September 20, 2023

Present: Jason Newman, Belinda Lum, Oranit Limmaneeprasert, Michael Henderson, Linda Sneed, James Telles, Katie Carbary, Gabriel Torres, LaQuisha Beckum, Teresa Aldredge, Art Jenkins, Josh Fernandez, Rebecca Goodchild, Stephanie Rowe, Joe Farrelly, Veronica Lopez, Walter Kawamoto, Kay Lo, Teresa Urkofsky, Leon Smith, Dennis Smith, Alisa Shubb, Kalinda Jones, Bill Miller, Gina Barnard

Excused: Iris Dimond

Absent: Jackie Vargas-Ornate, David Reese, Kalee Christensen

I. Newman convenes the LRCFT Executive Board 3:00 PM

II. approve minutes of May 17, 2023, and agenda of September 6, 2023. Sneed seconds the motion. Motion

III. President's Report: Sept. 7-September 20, 2023

- General recommendations to board:
 - o Read agenda and board docs before meeting by accessing livebinder.
 - o Consider submitting agenda items: 1st draft of agenda sent one week before meeting.
 - o Adhere to time limits of agenda items during board meetings.
 - o Chat reform: please use the zoom chat function sparingly.
 - o There is a new parking lot across the street from union hall!
 - o If you receive Reassigned Time or stipends related to LRCFT: Turn in written reports to Reina/me for second board meeting of month (campus presidents, chief negotiator, treasurer, graphic designer, DRT chair, legislative liaison, PAFC chair, and part time faculty board members receiving compensation at the second and third tier).
- General Issues over the past two weeks:
 - o Davies Hall closure o NAGPRA moratorium
 - o UDL/AS meeting
 - o Dues email to faculty sent out o DEIA email to faculty (pending filing of CFT complaint)
 - o BU report data Fall 2023: 71% membership, 2142 faculty, 1541 members
 - o SCLC
 - o CFT
- What we propose to accomplish as a union this semester and year:
 - o Membership drive: 2023-2024
 - o LRCFT per caps pass thru/dues adjustment
 - o Electronic format for all LRCFT elections
 - o LRCFT website update on-going
 - o RT overhaul
 - o Policies revamp
 - o Union News
 - o Communications Coordinator new RT position
 - o Workshops to help faculty understand our new contract
 - o Grievance workshops (2) for board members
 - o Workshop on LRCFT representative duties
 - o Part Time Faculty Issues Committee

- o Faculty Relief Fund
- o Stewards network and more membership meetings/social events
- o Cuba trip April 2024
- o BOT future elections (two seats open: '24 and '26 Fall campaigns)

Meetings that I attended since Sept. 7:

CFT (Vice President, California Federation of Teachers)

- 9/9: CFT Exec. Council: 14 hours SCLC (Recording Secretary, Sacramento Central Labor Council)
- 9/8: SCLC retreat planning committee: 2 hours • 9/7: SCLC check signing: 1 hour
- 9/12: SCLC COPE: 9 hours
- 9/18: SCLC Retreat: 2 hours
- 9/19: SCLC Retreat: 8 hours
- 9/19: SCLC Delegates: 2 hours LRCFT/LRCCD meetings/events:
- 9/8: City College Urban Roots social gathering: 1 hour
- 9/11: UDL/AS meeting: 1 hour
- 9/11: Steering: NAGPRA: 1 hour
- 9/12: ARC organizing meeting Davies Hall: 1 hour
- 9/13: Community Education/Wada: 1 hour
- 9/13: Trinational: 1 hour • 9/13: LRCFT Presidents: 1 hour
- 9/13: PAFC: 2 hours
- 9/13: LRCCD: BOT: 3 hours
- 9/14: Labor summit: 1 hour
- 9/18: Breakfast with King: 2 hours
- 9/18: Steering: 1 hour
- 9/19: DAS: 2 hours

V. Academic Senate Report: Shubb written report

At our 9/5 meeting, DAS voted to accept the report produced by the DAS Noncredit Workgroup. This report recommended a phased approach to exploring noncredit in the district, beginning with a feasibility team. DAS will be constructing the feasibility team (hopefully sometime this semester) in collaboration with LRCFT leadership.

At our 9/19 meeting DAS discussed the NAGPRA moratorium and is looking to bring back a recommendation of support for the moratorium as written by local Tribal Leadership in conjunction with the NAGPRA consultant and senior LRCCD administration. DAS appreciates LRCFT partnership in negotiating impacts of this moratorium.

DAS is concerned about lack of collegial consultation on 2 recent district acquisitions:

1. Salesforce Customer Relations Management (CRM) tool
 - There is a disagreement between administration and DAS about whether the CRM is a 10+1 item – DAS asserts that “onboarding” (e.g. matriculation) falls under item #5, standards or policies regarding student preparation & success, and relates directly to the work of the DESSC, while administration asserts that the current planned uses of the CRM are focused only on enrollment, admissions, and financial aid, and any future use of the CRM that does touch on the 10+1 will have DAS consultation.
2. Pathway U.
 - During the 2022-23 academic year a group was formed outside of DAS appointments to (as per Kevin Wong, DO-IT) “conduct an analysis and evaluation of products available on the market to identify a solution for a districtwide career exploration tool”. This resulted in the adoption of Pathway U, which also directs students into academic pathways per the results of their career

assessment. The academic programs were connected with career pathways by mapping CIP codes in SOCRATES with data from the Bureau of Labor Statistics and the National Center for Education Statistics. So far as DAS knows, there was no faculty input into this mapping.

- The DAS President is appointing faculty to serve on the following hiring committees so far this semester:
 - LRCCD Chief of Police
 - Director of HR Diversity, Compliance, & Title IX
 - Associate Vice President of Prison & Reentry Programs (PREP)
 - Dean of Workforce Development

PREP Counselor (grant funded)

VI. **Chief Negotiator Report:** Lum written report

1. Moratorium on Human Remains and Cultural Artifacts
 - a. Union and District had a special mee*ng on Monday 9/11 to discuss the moratorium and the impacts on faculty
 - b. Relative to the moratorium, faculty believe it is morally, ethically, and legally important to comply with CalNAGPRA
 - c. The moratorium (most recent draft attached), as written, has extra-legal conditions that go beyond the law that can cause problems in areas beyond anthropology. In particular, bullet 3 which places a moratorium on the use or creation of images and reproductions of Native American human remains and cultural items (especially cultural items). District needs to provide clarity on 'in Los Rios control.
 - d. Negotiation of impacts
 - i. Payment for all faculty work related to NAGPRA/CalNAGPRA compliance (inventory, documentation, etc.)
 - ii. Payment for all work for content expertise
 - iii. Impact on peer review as a result of an inability to teach to SLOs
 - iv. Negotiate confidentiality in process of reporting.
 - v. Negotiations of timelines
 - vi. District paying for the cost of replacement materials.
 - vii. District paying expedited shipping costs if needed.
 - viii. Clarity of *meline.
 - e. Full report with greater context attached.
2. Working to finalize the part-time faculty ancillary activities form.
3. Michael Henderson had to help navigate issues related to utilizing our new parental leave plan.
4. A VPI claimed that District would not allow a two level bump in chair compensation. The Union challenged this. Michael produced evidence of the VPI's comments and they reversed the decision. They affirmed that there were no 'informal' policies regarding the number of levels a chair's compensation bump.
5. Homebases
 - a. This summer the union received a plan for the academic / instructional reorganization on of ARC's homebases.
 - b. After consulting with then Senate President Karina Hoffspair and reviewing the implications, we approved the academic reorganization.
 - c. Met with District over the summer. Reiterated all of our questions related to the counseling reorganizations. Insisted that ARC write a full plan that includes FTE dedication to area, and that they

reply to impact on contractual areas including but not limited to: retreat rights, tenure lines, performance review, training, scheduling, and safety. We have not received an update.

6. Negotiated a 1 semester, 100% online office hour for Deaf Studies faculty. Will plan an October meeting between Deaf Studies and the District.
7. College Nurses will soon be District employees, need to negotiate how the centralization impacts nurses.
8. UDL Training
 - a. Met with all the UDL trainers.
 - b. Utilized script (attached) developed with the LRCFT Accessibility Taskforce.
 - c. This group understood the key points and the specific areas of the review where we saw individuals receive unwarranted marks on their review.
 - d. We indicated that we are willing to come back and train Ed Tech and whatever other group needs the training.
9. Davies Hall
 - a. Meeting with District Steering with President Lisa Cardoza and VPI Frank Kobayashi
 - b. Emphasized three key points:
 - i. LRCCD decision-making and mixed messages to faculty and students created unnecessary chaos and disrupted continuity of quality instruction.
 1. Faculty told to move online, 12 hours later told they'd move to new classes.
 2. Reported that decisions were communicated to the public before they were communicated to faculty.
 3. Some faculty had to move classrooms twice.
 4. Faculty were not given adequate notice to move out of offices.
 - ii. LRCCD failed to inform Senate and Union in a timely manner before the building closed and deliberately circumvented both faculty representative groups in the development and ongoing implementation of emergency plans---ignoring contract and shared governance.
 1. District holds that they told us at the point that it was an imminent emergency.
 2. We cited documents they posted. We said we believed they violated 19.3.5 of the CBA
 - a. "The District will provide safety information and inform the Federation as soon as practicable regarding any emergency actions that may or may not require the temporary closure of District facilities. Nothing in this section shall be interpreted to limit the District's authority to take emergency action in the event of a health or safety emergency."
 - iii. The Union expects appropriate compensation for all impacted faculty.
 1. District agreed to this.
 2. Before putting dollars to this, we need to assess the extent of the impact.
 - c. Contacted David Conway to assess potential contractual violations and if we have grounds for an unfair labor practice charge. We are also asking some other contractual questions related to workload.
 - d. Information requests are being solicited in two areas:
 - i. Direct impact to faculty workload and workspace
 - ii. All information related to the DSA notification, contracting of the engineers, and communications related to Davies Hall Building
 - e. See copies of communications sent to ARC Faculty

Meetings and other Activities

- Steering Committee Meeting
- Special Meeting related to CalNAGPRA related moratorium and Davies Hall
- Meetings with LRCFT Accessibility Taskforce
- New Faculty Welcome
- UDL Coordinator Training
- Helped draft memos related to NAGPRA, DEIA, ARC Davies Hall
- Meeting with BOG President Pam Haynes re: DEIA Lawsuit
- Drafting Counselor Research memo
- Presidents Meetings
- Meeting with ARC Pres. Lisa Cardoza

CalNAGPRA / NAGPRA Notes

Context:

The Los Rios Community College District is not in compliance with the terms of Native American Graves Protection and Repatriation Act of 1990 ([NAGPRA](#)) and AB 275 [CalNAGPRA](#).

NAGPRA, “provides a process for federal agencies and museums that receive federal funds to repatriate or transfer from their collections certain Native American cultural items -- human remains, funerary objects, sacred objects and objects of cultural patrimony -- to lineal descendants, and to Indian tribes, Alaska Native Corporations, and Native Hawaiian organizations (Bureau of Land Management).” CalNAGPRA was passed by the CA State Legislature in 2001 to shore up gaps in the federal legislation. Subsequent bills provided additional funding and direction.

The District and the Colleges have worked to repair and rebuild relationships with local tribes. Recent actions to note:

- Worked with local tribes to adopt land acknowledgements at all four Los Rios Colleges.
- Over the last two years, American River College has voluntarily gone through the process of repatriating remains and opening up their complete inventory of artifacts and human remains to a NAGPRA consultant.
- Sacramento City College voluntarily renamed “Lillard Hall” to the “Natural and Physical Sciences Building” in Fall 2023. Jeremiah Lillard the first president of then Sacramento Junior College and a well-known archeologist who was responsible for digging up and collecting Native American artifacts and remains.

Moratorium

LRCCD is voluntarily entering into a moratorium on the use of human remains, Native American Cultural Items, Images, and Reproductions of Native American Human Remains and Cultural Items. The District and the local tribes are still negotiating the terms of the agreement. The moratorium goes well beyond what NAGPRA and CalNAGPRA legally requires, however it is in line with decolonizing and anti-racist practices instructions can work towards.

The moratorium is expected to go into effect on or around September 28, 2023. The LRCFT has provided feedback and questions to district related to the moratorium. We are still waiting to see the final document and provisions.

Maintaining Instruction

- Departments and Divisions Potentially Impacted includes: Anthropology, Biology (especially Anatomy and Physiology), Dentistry, other Allied Health Fields, Art, Art History, Library Special Collections
- The District will pay for the ordering of new materials for classes, and if necessary, pay for expedited delivery.
- Some departments indicated that the use of plastic replicas of bones or skeletons were fine and the District has already started to order replacements.
- For those departments that need to use human remains, the District is in the process of identifying potential vendors that can be pre-approved as meeting the terms of the moratorium.
- Currently unclear how loss of use of artifacts will be handled if replicas are banned.

The Process of the NAGPRA audit (what we know so far)

- It is our understanding that each college will be asking departments impacted by NAGPRA to provide the following:
 - A full inventory of human remains and cultural artifacts.
 - Documentation that shows that it has been ethically sourced and given with consent.
 - Documentation demonstrating attempts to repatriate remains.
 -
- Working in conjunction with the NAGPRA consultant, each campus will be audited. If necessary, bones will be tested by an osteologist.
- Based on the findings some remains and artifacts will be repatriated, others may need to be specially housed at a Los Rios facility, and others may be deemed acceptable for use.
- Each college will need to complete this for all departments using remains and artifacts.

Timeline

- Currently, our understanding is that the moratorium will stay in place until the Los Rios Community College District adopts a policy concerning the housing and use of human remains.
- Unclear are the use of cultural items.

Negotiated items:

- The District insist on a non-disclosure of names of faculty involved with this work. This non-disclosure would be part of the consultant's required documentation.
- All faculty doing work to come into compliance with NAGPRA/ CalNAGPRA be paid on a non-load attributable PEX based on step and class from dollars in the District Bucket for past and future work.
 - This includes but is not limited to @me spent on: meetings, inventory, conferrals with consultants, identifying new curricular materials, identifying vendors and creation or production of documentation.
- All expenses related to compliance with NAGPRA be charged to the District Bucket.
- District, working with faculty, create a clear set of @melines for the process, by campus.
 - District and Faculty work to co-create @melines that work for all parties.
- District should develop clear parameters for what will be done with remains and/or artifacts deemed as 'unknown' because of osteology or lack of documentation.
 - If the District decides that they do not want to use anything deemed 'unknown' then faculty should be allowed to begin ordering replacements as soon as possible.

- Negotiate peer review related impacts on faculty related to not being able to teach the Course Outline of Record because of the Moratorium.
- Work to obtain pre-approval of vendors to begin ordering new materials.

President Action Items:

1. Contact the chairs in impacted departments:
 - a. Ask that all faculty working on NAGPRA related compliance (inventory, document gathering, etc.) keep track of all their hours.
 - b. Indicate that the District has agreed to re-order materials needed for teaching, and to expedite delivery if needed. Material ordering will go through Area Dean.
2. Ask the Instruction Office who they've identified as the campus NAGPRA experts.
 - a. Note: Jake Knapp asked SCC who our faculty experts were last year –we identified two faculty from Anthropology. Unclear if other campuses were asked.
3. Tell the content experts to track all of their hours.

ACTION

VII. SCLC Salute to Labor Dinner: (First Read)

SCLC's annual Salute to Labor dinner takes place November 16 at 6 pm at Golden 1 Center on the floor of the King's basketball court. For a \$2500.00 contribution, LRCFT receives a table for 8 people and prominent mention in the print and digital promo literature of the event. This is the most important event of the year for the Central Labor Council. Proceeds from the event fund the Labor Council's staff and programs. This year marks the 23rd annual Salute to Labor Awards Gala, the Sacramento Central Labor Council's marquee event that pays tribute to the achievements of Organized Labor's key leaders, issues, campaigns as well as partners and allies who have fought alongside Labor to advance the values that we uphold and defend.

VII. LRCFT Budget and Financial Matters: (First Read)

1. Travel policy – members will arrange their own air travel. Reimbursement is made after the event is completed. Farrelly inquires hardships for any member not able to cover upfront travel costs. Rowe informs board LRCFT will be able to cover costs if a member is unable.

2. Part-time tier III to be raised to \$3,500 a semester (First Read/Suspend/Action)

Rowe discusses Part-time Compensation and the differences between tiers. Telles moves to suspend the rules, Carbery seconds. Motion carries. As part-time representatives Tier I is \$1,500 attends EB meeting and the part-time committee meetings, Tier II is \$2,500 adds attends campus LRCFT meetings to board meetings and the Part-time Committee meetings. Tier III is currently \$3,000 adds participates with one or more caucuses/committees of the union. \$500 of each tier is the participation in the PT committee. At Tier III the committee work is not being compensated, Rowe suggests adding an additional \$500 for a total of \$3,500 to include the Part-time Committee meetings. Carbery moves to change Tier III compensation, Telles seconds the motion. Motion carries.

3. Part-time tier payments will be made monthly. Originally, the payments were paid at the end of service term, then they were changed to the beginning of semester. If a PT EB member leaves the board during the semester, their replacement would not be able to receive any payment since it was paid at the beginning of the semester. A monthly payment would better serve the board.

4. Other PT committee members to be paid at the end of the semester based on regular attendance at the meetings.

5. Vacation accrual for employees: Per state law, if an employee leaves a company, they are entitled to be compensated for any remaining vacation time. Currently, this equates to approximately \$16,000. Accounting rules require that you expense the amount in the period that it is earned. What that means is that LRCFT would take the expense now, for what could be paid out in the future. Smith agrees with Rowe's suggestion to expense the amount, as it discloses any potential liabilities.

Limmaneeprasert moves to recess Executive Board meeting to convene the LRCFT PAFC meeting, Telles seconds. Motion carries.

PAFC Meeting

Endorsement of AD 7 candidate discussion/business.

Outcome of endorsements will be reported in the PAFC report.

Telles moves adjourn the PAFC meeting, Goodchild seconds the motion. Motion Carries. 4:45 PM

XII. Communicating with Membership: LRCFT Union News: (First Read)

LRCFT needs to improve communications with faculty and needs to activate the LRCFT Union News. Newman reviews a proposal from consultant Steve Weingarten to produce the Union News for LRCFT. The consultant would interview LRCFT membership, board members, leadership and write articles for our Union News. LRCFT President and other board members would also contribute articles to each publication. Robyn Waxman, LRCFT graphic designer, would produce the graphics and lay-out the newsletter. The cost would be \$6,500 per semester for one 8-page edition of Union News. Weingarten has extensive experience producing newsletters and other communication materials for other unions, including CTA and CFT and SEIU. Allocation of funds would come from the membership outreach budget. Sneed is opposed to outsourcing work that LRCFT members can do. Torres agrees with Sneed, LRCFT should not outsource any work LRCFT members can do for the union. Carbary speaks against outsourcing, LRCFT should compensate members to do the work. Aldredge suggests that the board members with reassign time to do the work. Telles suggest that the potential Communications Director position include producing the Union News. Sneed suggests revitalizing the Editorial Review Committee.

XIII. Vote of No Confidence in Chancellor Brian King: (First Read/Suspend/Action)

Telles moves to suspend the rules, Jones seconds the motion. Motion carries.

Limmaneeprasert proposes a Vote of No confidence in Chancellor King due to the lack of participatory governance by Chancellor King. The chancellor has demonstrated a lack of transparency and collegial consultations, which includes, but is not limited to: " Failing to inform any stakeholders on unsafe conditions of Davies Hall as stated in the letter from the Division of the State Architect (DSA) dated June 20, 2022. " Failing to disclose to any stakeholders the findings of Holmes US dated July 14, 2022, which "determined that [Davies Hall] was erected using lift slap construction." " Failing to consult any stakeholders on the timeline to close Davies Hall without a place in place. (His decision to give eight business hours for faculty, staff, and students to vacate the building has been affecting 180+ part-time and full-time faculty and 6000+ students as faculty offices and 40 classrooms immediately became unavailable. " Making the academic senate and the labor leadership a reporting of his office activities rather than a forum where consensus can be achieved on critical issues. Discussion held. Goodchild agrees there is a problem but is unsure if a vote of no confidence will fix the problem. Newman voices concern and addresses how a vote of no confidence will affect LRCFT's ability to negotiate with King. Henderson discusses Conway's report regarding filing a PERB charge as well as other options LRCFT has. Smith discusses consideration

of collaboration with more than the union. The vote of no confidence can be an opportunity to organize. LRCFT should be methodical and calculating while using the opportunity to organize. Jones reviews issues at each campus that have not been resolved, LRCFT should embrace what we can do politically and legally. Lum emphasizes the importance of listing all involved in the vote of no confidence, including all administrators at the district and ARC. Carbary discusses her negative experience regarding a vote of no confidence, it should not be done over one issue and a list of issues should be included. Lopez reminds board members that Davies Hall is not an isolated situation, and the DAS President has documented many issues. Limmaneeprasert clarifies her proposal. Davies Hall is an example. Limmaneeprasert agrees with Lopez and has heard from faculty at other campuses regarding the disrespect from the Chancellor. Goodchild asks how can LRCFT stand with faculty in this situation? Can something be done in addition to a vote of no confidence? ARC faculty member Gina Barnard asks how long the current district administration is going to be around. Farrelly expresses that a vote of no confidence is more potent as a threat. Farrelly suggests LRCFT send a letter to the Chancellor, with consultation from Conway, might the Chancellor be more willing to acknowledge his shortcomings? Would a threat of a vote of no confidence be more effective? Jenkins feels the district uses bullying tactics and sees the lack of respect the district has for students. Jenkins feels the LRCFT has done enough to in the past without results. Jenkins lists grievances against the district and feels the union needs to stop being scared. LRCFT is complicit in its subjugation and should execute whatever is in the union's preview. Beckum calls for the question. Discussion regarding the wording of the motion is held. Rowe moves to close debate, Jenkins seconds. Motion fails with 8 in favor and 6 opposed. Shubb suggests the union not vote on something that is not in clearly in writing. Limmaneeprasert proposes to table her motion. Limmaneeprasert will bring the proposal back to the board after consultation from colleagues from all campuses. Henderson suggests language of any motion be precise in the proposal. Carbary would like a vote of no confidence include a list of issues that the chancellor has done incorrectly. Jenkins after LRCFT executes all avenues such as vote of no confidence and cease and desist letter, LRCFT should submit a PERB complaint. Limmaneeprasert will work with all parties to create a list of grievances.

Rowe moves to adjourn the meeting, Lum seconds the motion. Motion carries. 5:26 PM

Jason Newman, President

Stephanie Rowe, Secretary-Treasurer