

SOLANO COMMUNITY COLLEGE DISTRICT  
GOVERNING BOARD

UNADOPTED MINUTES

September 21, 2011

**APPENDIX A**

5. COMMENTS FROM MEMBERS OF THE PUBLIC

Vice President Young recognized **Ms. Charlene Snow**, President of the SCFA, who requested to comment on the treatment of a SCFA Representative on the Health Care Committee. Professor Snow began by stating, "I come before you tonight to address the Association's deep concerns regarding the treatment of our representative to the District-wide Health Care Committee, and to demand that specific actions be taken where this unfortunate incident is concerned.

In the letter addressed to you, which I am about to read, you will see the name. However, because what I am reporting to you involves the harassment and bullying of the faculty member who served on this committee, I am at this professor's request, redacting the name from my public remarks, and will refer to the faculty member tonight as Professor X. I ask that you too please respect these wishes to not be publicly named or discussed.

As part of the ratification of the 2008-2011 Collective Bargaining Agreement, the Association agreed in a sidebar to participate in a Health Care Committee 'to establish consensus with regard to health care cost containment and exploration of campus-wide health care options to achieve this goal. The parties agree to meet and *negotiate* [emphasis mine] the recommendations of the joint committee during 2009-10, with implementation of any recommendations during 2010-11.' Accordingly, in good faith, the Association sent representatives to this committee.

In late May 2011, this negotiated Health Care Committee met for the last time. When our representative, Professor X, was asked which health care option SCFA was prepared to accept, he/she stated that the SCFA Executive Board had instructed him/her to report that SCFA was not prepared to select any proposed option at this time, as the Association was not currently negotiating health care with the District, nor were the members of this committee authorized to negotiate any changes to the collective bargaining agreement, and additionally, that SCFA would not have a position or preference until it had completed the member survey it is legally required to conduct. At about that time in the meeting, one of the District's representatives, Chris Guptill, suggested that the committee 'go off the record.' For any committee in a public institution to go 'off the record' is completely inappropriate, but in the case of a negotiated committee doing so represents an act of bad faith and an unfair labor practice, and in this case, opened up an opportunity for management's representatives to initiate a malicious verbal assault on Professor X, and by extension, the entire faculty.

After 'going off the record,' Mr. Guptill, Dean Máire Morinec, and even HR Director Karen Ulrich proceeded to verbally abuse Professor X with a tirade in which they excoriated the faculty who, they claimed, for example, were 'lazy prima donnas, who do not work on weekends,' and who, therefore, are not worthy of the benefits they enjoy. This harangue continued for about thirty minutes. To his/her credit, Professor X maintained his/her composure and did not respond to these insulting invectives.

Clearly, these District representatives wanted to make sure SCFA understood not only where they stand on various health care issues, but also about a number of complaints the administration has about the faculty generally. Simply put, these managers subverted the purpose of this meeting and used it as an opportunity to vent. Even worse, they clearly did so with the intention of using Professor X as their messenger to SCFA and the faculty, which itself is also abusive.

In his/her report to SCFA leaders about this incident, Professor X shared that he/she was stunned by the level of viciousness and that it had left him/her feeling personally threatened, stating that it had become clear to him/her for the first time how much the administration really 'hates us.' His experience so traumatized him/her that he/she reported that during the summer he/she was even reluctant to come on campus for fear that he/she would encounter these people who had so abused him/her. However, he/she also did not want to file a formal complaint because he/she now fears additional abuse and retaliation at the hands of managers that he/she would likely have to encounter and possibly work with; so, he/she does not want to further antagonize them. You should know that Professor X has the reputation of being a strong and self-confident individual, so his/her reluctance to even encounter these administrators on campus is testimony to the vehemence of their attack.

While Professor X does not wish to pursue a complaint against the District or the managers who perpetrated this attack, the Association does intend to hold the District and its representatives accountable. In particular, the Association considers HR Director Ulrich's verbal abuse and bullying of this faculty member to be especially egregious, as she is the individual responsible for overseeing the faithful adherence to all District policies, which include Policy 4100 - Employee Responsibilities, which states: *Employees shall be treated with consideration and respect, and given such supervision and guidance as will enable them to successfully carry out the duties and responsibilities of their positions. In return, employees shall be expected to give faithful and honest service to the District.*

So, while Professor X was giving 'faithful and honest service to the District' by lending his/her extensive knowledge of health care benefits to this committee, the District's representatives reciprocated with a complete lack of 'consideration and respect' for him/her personally, and for all of the faculty. Moreover, of all the individuals present, it was Director Ulrich who could have and should have halted this abusive outburst; but, instead she condoned as well as participated in it, even nodding her head in agreement with the perpetrators' comments.

SCFA's concerns are also contractual and legal. Specifically, your representatives' conduct violates Article 2 (Negotiations Procedures), as Professor X was not sent by the Association to negotiate on its behalf, and Article 3 (Non-Discrimination), which states that, '[T]he District will not unlawfully discriminate because of membership in an employee organization, participation in the activities of an employee organization or union affiliation, or exercise of the rights contained in this agreement.' Professor X was attacked in the course of this committee's meeting precisely because he/she was a representative of SCFA. Moreover, your representatives' conduct is evidence that the District's intention was to subvert the agreed upon purpose of this committee by circumventing the bargaining process and to attempt to make an agreement with our committee representatives, rather than with our authorized negotiators at the bargaining table. Finally, your representatives' insistence on making statements 'off the record,' which was reportedly a frequent practice, has deprived both parties, the District and the Association of a complete record of the committee's discussions, to which we are legally entitled. This violates our right to bargaining related information under Article 2.

Furthermore, your committee representatives' behaviors also constitute a violation of the Educational Employee Relations Act (EERA) in two respects: (1) that the EERA makes it illegal for the District to discriminate against union members acting in the course of their official duties; and, (2) makes illegal acts of bad faith, which your representatives evidenced by their intention to circumvent bargaining and wrest from our committee representatives immediate and particular agreements on changes to health care benefits.

Since the Association will not tolerate the abuse of its faculty or its committee representatives, violations of District policy, the EERA, or agreements made as part of the collective bargaining agreement, we demand that the District take the following actions: (1) that in accordance with District *Policy 4770.2 - [Causes for Suspension, Demotion, Dismissal - D. (Discourteous, offensive, or abusive conduct or language toward other employees), and H. (Personal conduct unbecoming to an officer or employee of the District)]* HR Director Ulrich, Mr. Guptill and Dean Morinec be disciplined for their abusive conduct and that they be directed to send written apologies to Professor X via his/her representative, me, SCFA President Charlene Snow; (2) that HR Director Ulrich, Mr. Guptill and Dean Morinec be directed to not initiate any further personal contact with Professor X, so he/she can be assured that he/she will be able to continue his/her work at the College without being subjected to any further workplace harassment; (3) that the administration be directed to respect Professor X's request for privacy and concerns about his/her personal security by not initiating additional discussions with him/her regarding this traumatic incident, and that any further comments, questions or discussions about this matter be communicated and conducted through me, President Charlene Snow, as his/her representative; and, (4) that Interim Director of Human Resources, Sandi Dillon, be directed to turn over to SCFA all minutes and notes taken at all Health Care Committee meetings that were held between 2008 and May 2011 so that we have a record of exactly what was part of the official record, given the obvious proclivity for 'going off the record,' and that this be accomplished within 10 business days.

Overall, the SCFA Executive Board finds the actions and words of the District's representatives to be not only illegal, but also disgustingly abusive of an honored faculty member and extremely insulting to the entire faculty, as we are sure it was intended to be. If the goal of this committee was to reach 'consensus,' then unfortunately, the hateful and disrespectful conduct of the District's representatives went a long way to retard this particular objective. The members of the Governing Board and Superintendent-President Laguerre should be ashamed and deeply concerned that their administrative representatives have obviously been given license to publicly abuse dedicated employees and to demonize the faculty in particular. This is now the second report of verbal abuse of SCFA faculty representatives at the hands of administrators in the last six months, which reflects a complete breakdown of even the most basic standards of civility on this campus, and as such, it is a sad commentary on what has become of this institution.

I expect to hear soon from Dr. Laguerre and Interim HR Director Dillon about how they intend to proceed. Thank you for your prompt attention to this matter."

Vice President Young recognized **Mr. Timothy Carstensen**, SCC Bookstore, who requested to comment on Item 13.(b)., Approval to Enter into Agreement with Barnes and Noble for Bookstore Outsourcing.

"I am one of 14 student workers that are employed at the Solano Bookstore. I am concerned about the future of our jobs when Barnes and Noble takes over. There is only one sentence in the RFP that mentions hiring student workers "as needed for work flow" but our concern is that the student workers that are currently employed at the Bookstore work year round

in addition to the season hires for rush. This is one of our main concerns that Barnes and Noble may not keep us year round, if at all. Many of us depend on this job because the Bookstore works around our school schedules. We have bills to pay and are trying to complete our higher education while keeping a steady job. If we lose this job, we will not even be able to collect unemployment.

Since we are students here at Solano, we can relate to the customers who come into the store, and we are able to assist them and their needs through our experience. Many of the student workers have been working at the Solano College Bookstore for years. We are assets to the Bookstore and we deserve some job security, which is what we are afraid we will lose.

Yulian Ligioso, Vice President of Finance and Administration, came into the Bookstore yesterday and tried to clarify the status of our jobs once Barnes and Noble takes over, but we are still unclear about how many student workers they are going to keep and for what duration. Besides the one sentence in the RFP, everything else we've been told is hearsay and there is nothing in writing for the student and seasonal workers. We would just like to make sure that it is clarified what will be in store for the student workers."

Vice President Young recognized **Mr. Jared Riley**, member of the Solano College Judo Club, requested to comment on the status of Judo/Self-Defense Programs and the development of the Dr. Tanaka Judo Center. Mr. Riley began by stating, "I am a thirteen-year member of the Solano College Judo Club. I also volunteer in Dr. Tanaka's Judo and Self-Defense courses as an Assistant Instructor and Coach.

This summer, I was made aware that both courses were not going to be offered and Dr. Tanaka was being terminated. I knew I wanted to do whatever I could to try and save the program and Dr. Tanaka's position here at Solano Community College.

When the fall semester began, I made the current and former students aware of the situation. Students began writing letters to Dr. Laguerre expressing their concerns for losing the program, their experiences with Dr. Tanaka, and the effect the programs and Dr. Tanaka have had on their lives. I am sure Dr. Laguerre can account for you the number of letters received and the nature of their content. In a conversation with Dr. Tanaka, Dr. Laguerre summed up these letters well saying that before the letters he knew nothing of the Judo and Self-Defense programs and now realized how much impact they have had on students' lives. He also noted how these letters showed that Dr. Tanaka is a legend on the SCC campus.

I was the author of one of these many letters. I addressed and sent it to every member of this Governing Board. Perhaps you did not receive my letter, so I have brought hard copies with me tonight to hand out to you. I would also like the letter to be entered into the public record.

I would like to share a portion of Dr. Tanaka's background.

As a child, Dr. Tanaka and his family were uprooted from California, lost all physical possessions, and forward to move to an internment camp in Rhower, Arkansas, during WWII. Despite this discrimination, he developed a love for this country and later became a Commissioned Officer in the United States Air Force. The Department of Defense selected Captain James Tanaka as officer in Charge and Head Coach of the Air Force Team that eventually won the National Judo Championships in 1961. A member of that Championship Judo Team was later selected to represent the United States as a member of the Olympic Judo Team in the 1964 Tokyo Olympics.

In 2008, Dr. Tanaka was promoted to Hachidan, 8<sup>th</sup> Degree Black Belt. At that time there were only 14 people in the United States that had ever attained this rank. With Black Belts in the Art of Karate, Aikido and Jusitsu he has a grand total of 20 Degrees of Black Belt.

On top of this, Dr. Tanaka has taught at Solano Community College for nearly 30 years.

I am happy to report that you that as a result of a meeting between Dr. Tanaka and Dr. Laguerre, Dr. Laguerre has agreed to reinstate Judo for the spring semester. I want to say thank you for your decision. I am hoping that this means Self-Defense will also be offered. Maybe you can clear that up for me tonight.

Dr. Laguerre has also presented an idea of forming a Dr. Tanaka Judo Center there at SCC through the use of an endowment fund. This is something we wholeheartedly want to pursue. The Judo Center would include credit courses with classes and testing, as well as non-credit courses for training and competition. Dr. Laguerre has asked for a group of five or six former or active students to work with him to establish the Judo Center. I will be back at a future Board meeting to introduce you to the individuals selected for this task.

I want to invite all of you to attend a Judo class this semester so you can see firsthand the impact Dr. Tanaka has on his students. You are welcome to come and observe and also participate if you choose.

I want to thank you for your time, and thank you Dr. Laguerre for your decision in reinstating Judo for next semester. We look forward to the development of the Dr. Tanaka Judo Center.”

Vice President Young recognized **Mr. Cedric Brooks**, Solano Community College student in the DSP program. Mr. Brooks began by commenting, “On the SCC Web pages, it says you take charge of your own success. Empower students with disabilities who need help and you create a ‘level playing field in the classroom and promote awareness of disability rights.’ Please don’t force them to be with other students. A new club has been established to encourage students to stay in school. If you cut out the programs, where are they going to go? They will lose their sense of integrity. Please keep the programs intact.”