



## Business Meeting

May 10, 2022

12:30 – 1:20 pm, Via Zoom

<https://napavalley-edu.zoom.us/j/94886895267>

This meeting will be conducted virtually pursuant to Government Code section 54953(e)(1)(A) and the Memorandum from Napa County Executive Officer Minh C. Tran and Public Health Officer Karen Relucio, M.D., dated September 27, 2021, regarding Recommendation for Continued Remote Attendance at Brown Act meetings.

### Minutes

#### 1. Welcome (1 min)

Newly tenured: Jennifer Aguayo, Seth Anderson, Rachael Cresci, John Kincheloe, Matt Kronzer, Kari Powell, Jayzle Robinson-Piga, Emery Stafford, Terry Wegner, Cari Roughley

Retiring: Bill Fried, Diane Van Deusen, Nadine Wade-Gravett, Gwen Kell

#### 2. Adoption of Agenda (1 min)

- M/S/C

#### 3. Approval of Minutes (1 min)

##### 3.1 4/26/22 AS Business Meeting

- M/S/C

#### 4. Public Comment (1 min)

#### 5. Announcements (2 min)

- Thanks to tenured faculty and coaches who completed evaluation. Next year's evaluatees will get an email from Naomi about your coach preference.
- NVCFA meeting on Thursday, last one of the semester.
- Collected 14% of donations so far towards the Charlie Monahan scholarship.

#### 6. Information Items (4 min)

##### 6.1 "The One Thing You Need to Know"- Tejada

AS President will convey important information that other constituent group Presidents would like to share.

- Presidents continue to promise to work together in solidarity as we move forward. AS President appreciates their support.

#### 7. Discussion Item (20 min)

##### 7.1 Allegations of Brown Act Violation- Tejada

### AB 1725 10+1 RESPONSIBILITIES

- 1 Curriculum, including establishing prerequisites and places courses in disciplines
- 2 Degree and certificate requirements
- 3 Grading policies
- 4 Educational program development
- 5 Standards or policies regarding student preparation and success
- 6 District and college governance structures, as related to faculty roles
- 7 Faculty roles and involvement in accreditation processes, including self-study and annual reports
- 8 Policies for faculty professional development activities
- 9 Processes for program review
- 10 Process for institutional planning and budget development
- 11 Other academic and professional matters as mutually agreed upon

AS President will summarize and refute the allegations in the letter received on 4/22/22. AS President will present possible actions in response to the letter for the Senate to consider.

- Academic Senate received a strange email from a law firm with a letter attached, threatening to sue us for violations of the Brown Act.
- This reads like a slap suit - a bogus lawsuit trying to silence a person or entity.
- Academic Senate is part of the NVC district. We have not heard any response from district legal yet.
- Allegations are incorrect:
  - We posted the agenda by the required time.
  - We post on the agenda the teleconference waiver. We vote on that when we vote on the agenda.
  - We use the chat to do an electronic roll call.
  - We do not use the polling feature.
- The letter threatens a misdemeanor towards individuals.
- Who are these attorneys representing? We do not know.
- Letter alleges violations of the Brown Act. Other senates are not subject to the Brown Act.
- Options: wait for NVC Legal to respond, pay our own attorney to respond with our evidence (union attorneys have asked to see evidence), we could redo the vote of no confidence.
- This letter is ironic since we delayed the first vote to be careful about following the Brown Act.
- The letter's intent might be to nullify the vote and intimidate members of the executive committee.
- Frost: Frost received the email at the same time as the senate. He does not know anyone associated with the firm. He forwarded the letter to legal, cc'd Jeff Dodd because it would require their support. Dodd said yes. Academic Senate should expect a letter from legal.
- We have 30 days to respond to the letter to avoid a lawsuit.
- The union was concerned about the empty threat in the letter.
- Would voting again look like we agree to the claims?
- Academic Senate should be covered under NVC legal. We should wait for legal.
- We cannot deliberate taking action or give direction in this meeting since this isn't an action item.
- District has two legal services. Schools and Colleges services is also available. If we are not hearing back from LCW quickly enough, then maybe Frost can send the question to them.
- Law firm opinions do not always concur.
- CTA legal does not represent the Academic Senate as a body, they represent the individuals in their capacity as educators. This is an outside entity threatening the district itself. CTA is

## AB 1725

### 10+1

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happy to consult, however, and can help the Academic Senate retain their own council.

- What if an individual is sued?
- An individual cannot be sued for a Brown Act violation.
- We may have a special meeting in the future to decide on action related to this issue.

**8. Action Items (20 min)**

**8.1 Flex Day Agenda- Trujillo**

+Attachment

Approve the Flex Day agenda as recommended by the AS Executive Committee.

- M/S/C

**8.2 AP 3250 Institutional Planning– Biddenback**

+Attachment

Initially approve AP as recommended by the AS Executive Committee.

- M/S/C

**8.3 AP 5055 Enrollment Priorities – Kincheloe**

+Attachment

Initially approve AP as recommended by the AS Executive Committee.

- M/S/C

**8.4 Academic Senate Bylaws Change: 2<sup>nd</sup> Reading- McGowan**

+Attachment

Approve the 2<sup>nd</sup> reading of changes to the AS Bylaws under the Faculty Business Committee section as recommended by the AS Executive Committee.

- M/S/C

**8.5 Curriculum Packet- Anderson**

+Attachment

Approve the Curriculum Packet as recommended by the Curriculum Committee.

- M/S/C

**9. Adjournment**



**Zoom Info:**

Topic: Academic Senate Business Meeting

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