

## Foothill & District Academic Senate Minutes October 25, 2021

#'s represent items numbered on the [Agenda](#)

1. Meeting called to order at 2:03 p.m.

2. Roll call

**Executive Committee**

**Officers:**

Kathryn Maurer (President)

Paul Starer (Exec VP)

Eric Kuehnl (VP Curriculum)

Robert Cormia (Sec/Treas)

**Division Senators:**

Alexis Aguilar

Brian Murphy

David Marasco

Donna Frankel

Ellen Judd

Frank Niccoli

Jeff Bissell

Jordan Fong

Katy Ripp

Kerri Ryer

Kimberly Escamilla

Mary Thomas

Matthew Litrus

Mayra Palmerin-Aguilera

Milissa Carey

Patricia Crespo-Martin

Sara Cooper

Stephanie Chan

Tracee Cunningham

Voltaire Villanueva

**Extended Exec Committee**

Adrienne Hypolite

Ajani Byrd

Carolyn Holcroft

Fatai Heimuli

John Fox

Kurt Hueg

While Zoom participant counts fluctuated during the meeting, at one point it was noted that 123 persons attended the meeting.

1. Kathryn reviewed the [temporary rules of decorum](#) - ground rules and time limits

3. Agenda review: Kathryn explained apart from regular business of approving minutes and appointments, we would only have one item: a second read of the Resolution on the Vote of No Confidence. There was a question if this would indeed be considered a second read since it had been amended, and Kathryn explained that, yes, since the amendments were not significantly altering the resolutions we reviewed at the last meeting, this would be a second read. Agenda adopted by consensus.

Minutes from October 11, 2021 - Kathryn showed the minutes with changes (typos) and minor corrections. Paul Starer moved to approve the minutes, David Marasco seconded, the minutes were approved by consensus.

Minutes from October 18, 2021- There were typos corrected, and identities of former students clarified from last meeting. Donna Frankel made a correction to the part-time faculty survey. Sara Cooper made a correction to her comments last week, clarifying that the Academic Senate is committed to working with students. Stephanie Chan corrected a statement that she had made regarding the number of faculty champions on the ethnic studies work. Correction to name spelling of Janie Garcia. Paul Starer moved to approve, John Fox seconded. There was unanimous approval of minutes with corrections.

4. No public comment on non-agenda items

5. [Consent calendar](#) - Kathryn pointed out the vacancies on the interim College counsel. There is one spot reserved for the AS president (faculty quad chair position) and three other positions that are being recruited for, one for PT faculty. The recommendation at the moment is for the

senate appointees to the shared governance task force to be invited to the meetings until we can confirm appointments. There was unanimous approval of the single appointment.

6. Single item on the agenda – [amended draft resolution of the vote of no confidence](#)

Kathryn commented that it is unprecedented to have 50+ faculty bring forward the resolution of no confidence for discussion, and she acknowledged that she had failed to add the names of three additional faculty who had worked on this new draft. Comment that we heard very sincere and compelling comments (personal testimony) on the draft resolution last week, including many comments from current and past students in support of President Nguyen.

David Marasco read the full resolution on the vote of no confidence out loud.

Public comment on the single item on the agenda - one De Anza student Max Meyberg (former De Anza student trustee) commented that President Nguyen understands students concerns, understands that there are Academic Senate issues, requests that the academic senate do further mediation.

Eta Lin addressed the Senate last week, and will be reading a letter to the BoT tonight. She put feelings aside and signed the faculty of color letter, as well as submitting an individual letter at the Board meeting tonight. Eta mentioned polls that were put out to the divisions, and suggested that faculty bring the poll data to the Board of Trustees meeting this evening.

With no further requests to speak, Kathryn closed the request for public comment.

Kathryn invited members of the executive committee to discuss the resolution further.

Fatai Heimuli (student body president) spoke about a visit to ASFC Campus Council by some of senate representatives that was very helpful, and was hoping to do that again. She said one question is still remaining is what in fact do faculty want from the vote of no confidence? That still isn't clear.

Paul Starer answered what our expectations are. Paul shared that we are approving what the resolution says, and then asking the FHDA-CCD Board of Trustees to respond with a decision and recommendation without a specific expectation from the Academic Senate. Paul said he would like to explore further that Academic Senate and ASFC and Classified Senate could work together further, and consider a joint resolution. And on record, completely engaging with all voices on the campus. Develop a process where Academic Senate builds a relationship and collaborates more.

Carolyn Holcroft asked what is the hoped for or anticipated outcome? "If we are really being honest, we are asking for President Nguyen to be fired" (for the FHDA-CCD board to fire her). She explained, with this resolution, that the faculty are asking for her to be fired.

Adrienne Hypolite - commented on the goal of resolution, and said it is hard to track, especially sine it seems that mediation was no longer a desired outcome. Adrienne commented she could clearly see the implication of the vote of no confidence, and understands that AS has a right to make this resolution, but there is broader impact.

Kathryn commented that we (Academic Senate) have already approached Chancellor Miner on many occasions to help us through this, asking for assistance, for the last three years.

Chancellor Miner had instructed President Nguyen to engage in mediation several months ago. So we are presenting to the BoT, all the efforts we have taken to this point. So it is (or would be) in the hands of the BoT to act. She wasn't sure what value it brings trying to reframe the desired outcome of the resolution in any other way but what it is: a resolution of no confidence, meaning we see no other way forward.

Paul asked that we ask division senators to speak out about what they learned from their faculty.

Jordan Fong (FA/Comm) commented that the accusation of racism (toward the Senate leadership) was appalling, and while the faculty commented that a vote of no confidence might not change things, we do need to do this. 29 responses, some faculty said engage in mediation, but numbers were more in support of a vote of no confidence: 45% strongly agreed and 25% agreed.

Milissa commented that many faculty commented the tables had gotten turned, that this has become a discussion about equity versus job performance

Ellen Judd (PT Rep) discussed their survey of P/T faculty: 45 suggested a vote of no confidence, 25 less so, but 280 P/T faculty had not responded at all, so she would need to "abstain" on the vote.

David Marasco discussed PSME: there were 32 votes in favor of the resolution, one neutral and 3 opposed. David also polled APAN, 15 voted in favor of the resolution, 2 against, assuming Thuy would oppose. This was PSME only (not BHS).

Kerri Ryer (BSS) shared that six faculty disagreed with the resolution, 15 neither agreed or disagreed, and 21 were strongly in favor. Alexis shared that 33% of faculty did not agree with mediation, re-engagement, 43 % agreed with engagement, the rest of the faculty were neutral.

Sara Cooper (BHS) commented that 27 of 28 responses from BHS were firm in a vote of no confidence. Further, the faculty who were more involved in shared governance were more in favor of the resolution.

Patricia (LA) 51% disagreed with further engaging in mediation. 72% agreed in passing a vote of no confidence. 86% of faculty stated the relationship between the Academic Senate and the College president was very important.

Stephanie Chan added for LA that many faculty agreed things weren't good. Stephanie also commented that when reading the responses the Board was being sent from organizations outside the College it was clear they don't understand the effort we have taken within the College to engage in mediation.

Voltaire Villanueva (Counseling) said 82% approved of the vote of no confidence, some abstained. There was no interest in reengaging with mediation. Grievances in counseling go all the way back to 2019, the testing center and the DRC (back in 2018/19) and what they felt was a threat by the President that was made at the meeting about drafting resolutions. Tracee supported the comments from Voltaire.

Mary Thomas (LRC) - Mary commented that the majority favor the resolution, one abstained. The reframing of the issues of faculty and senate as racism was very disappointing.

Mayra Palmerin-Aguilera (DRC) commented on the tension between the administration and the DRC department. Faculty have left DRC because of rising tensions and lack of support. All faculty in DRC said go forward with the vote of no confidence.

Katy Ripp (KA) commented that all F/T faculty in kinesiology were in favor of a vote of no confidence. A poll of the larger group was less definitive. Jeff Bissell commented that kinesiology and athletics is a shrinking division.

Fatai asked if we could get a quantitative report out on the polls. Kathryn commented that division senators decided to do the polls informally, that this wasn't a senate survey, and so there was not a consistent methodology, so we couldn't compile the results in a meaningful way.

Adrienne Hypolite discussed a meeting with Classified staff. Classified staff had a 55% response rate to the survey, with 55% in favor of a vote of no confidence. Adrienne commented that she may not have been effective in translating the issues to classified staff constituents. There were a number of good questions about what the next steps are, and the importance of knowing the next steps. But they commented about the toxic environment, but what will be the result or "recovery" from a vote of no confidence. But the situation has become untenable. President Nguyen did ask to come to talk with the classified senate, but she did not get invited, as there was concern about leading the classified senate into a "battlespace". She commented that there is concern about having enough time to discuss the issues and get up to speed.

Donna Frankel commented further on the P/T voices. She commented that the ONLY reason for the vote of no confidence, is the breakdown in shared confidence. White privilege, gender is NOT what this is about. The reach (by Thuy's supporters) out to 3rd parties (support letters from NAACP, etc.) has muddied the waters. Donna further asserted the vote of no confidence is not about equity issues, it's about the failure (issues) of shared governance.

Paul commented that race and gender do affect (how we see) job performance. But a person of color can still do a bad job. The central question here is "can we acknowledge that there are genuine biases, but is president Nguyen's job performance acceptable?" Paul suggested that senators look at President Nguyen's recent communique of just last week where President Nguyen continues to take no ownership for bad decisions. She uses the passive voice and says she was sorry "for decisions that have been made in the past." If she truly stands by the decisions she has made, then why won't she take ownership of the problems associated with these decisions? In public and in private, she still continues to remain that her decisions should be accepted and not questioned. A real leader owns up to the decisions that they have made and the consequences of them.

Tracee commented that there was a point when the counselling division was a very student centered division, their dean had left because they couldn't work with President Nguyen. If a dean and the College president can't work together, it makes it very challenging. Even though Thuy worked well with students, she couldn't work well with the counselling division.

Voltaire commented that he did want mediation to succeed, but there is a pattern of behavior that has occurred over years, which is troubling. Being a counselor, a psychologist, and part of the mediation team, he went in optimistically and really wanted to see us resolve this, and it didn't happen.

Jordan commented that he was part of the mediation team also, and didn't think there was any hope, but he would like to acknowledge that we didn't reach out to Classified staff and students,

and he wants to do better, and commits to that. He said he was really bothered by the outside letters to pressure mediation, but these letters don't acknowledge that Thuy left the mediation twice on her own.

David Marasco moved to adopt the resolution of no confidence, Paul Starer seconded. A motion is now on the table for action. (Kathryn allowed two more comments while the motion was on the table).

Kimberly (LRC) commented that as an Umoja faculty member she at first only saw wonderful support from Thuy and was very happy with how things were going. But then she began to hear problems from many other faculty members within the Language Arts division. She went to faculty of color for insight. Then Thuy approached her to ask how she should handle White fragility among the faculty, and she was concerned, and her thinking shifted, and felt the issues weren't about privilege.

Alexis Aguilar made a comment about the wording in the resolves, and the inconsistency (Academic Senate versus faculty), and wondered if that should be changed with an amendment. Kathryn responded that while Senate does represent faculty, it would make sense to change the wording, and make it consistent, and in fact both Resolveds should just say "we" since that's what we said in the first whereas clause. We could just change wording. Paul commented that we can just do this in what's called a reconciliation process (correct typos, minor wording, etc.), and can and should still formally adopt the document (first) as there's a motion on the table.

Paul asked that everyone just take a moment and consider the complexity of this topic. Our great democratic value is that we can recognize the complexity of this issue. We are trying to send the Board a message, that complex, conscientious people of good will can come together, have a debate, and arrive at a decision.

Senate roll call vote, resolution of no confidence

Votes

Kathryn Mauer (only votes in a tie)

Paul Starer yes

Eric Kuehnl yes

Robert Cormia yes

Brian Murphy abstain

Alexis Aguilar nay

Kerri Ryer yes

Sara Cooper yes

Frank Niccoli yes

Tracee Cunningham yes

Voltaire Villanueva yes

Mayra Palmerin-Aguilera yes

Milissa Carey yes

Jordan Fong yes

Jeff Bissell yes

Katy Ripp yes

Stephanie Chan yes

Patricia Crespo-Martin yes

Kimberly Escamilla yes  
Mary Thomas yes  
Matthew Litrus yes  
David Marasco yes  
Donna Frankel yes  
Ellen Judd abstain  
Fatai Heimuli abstain  
Adrienne Hypolite abstain  
John Fox yes  
Carolyn Holcroft yes  
Ajani Byrd (advisory) abstain  
Kurt Hueg (advisory) abstain

25 yes, one nay, and four abstentions by full voting members, and two abstentions by advisory vote.

There were questions about the Board Meeting to start at 5:00, and if there would be a live stream of the public comments. It was clarified by attendees that there would be no live stream, but it might be possible to request an audio recording of the comments.

Adrienne commented on the need to have a public reckoning. Voltaire talked about restorative justice and other forms of remediation and healing.

7. Announcements - Seeing no other hands - we should move to adjourn

8. Kathryn acknowledged the hard work, and the willingness of everyone to be open and authentic. The meeting is adjourned at 3:50 p.m.