

## Foothill & District Academic Senate Minutes October 18, 2021

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

1. Meeting called to order at 2:04 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 (absent)

David Marasco

Donna Frankel

Ellen Judd

Frank Niccoli

Jeff Bissell

Jordan Fong

Katy Ripp

Kerri Ryer

Mary Thomas

Matthew Litrus

Mayra Palmerin-Aguilera

Milissa Carey

Patricia Crespo-Martin (late)

Sara Cooper

Stephanie Chan

Tracee Cunningham

Voltaire Villanueva

**Extended Exec Committee**

Adrienne Hypolite

Ajani Byrd

Carolyn Holcroft

Fatai Heimuli

John Fox

Kurt Hueg

A note on attendance: while the Zoom participant count fluctuated during the meeting, at one point it was noted that there were 166 participants present.

3. Kathryn shared the agenda for the meeting. Kathryn reminded everyone of the meeting norms, and seriousness of this meeting. She also mentioned (requested) not to use the chat, as this is a public meeting and we need to record in the minutes everything that is said in a meeting, and which can influence decision-making.

Carolyn requested to add an agenda item with an alternate Resolution of No Confidence for discussion, and understands that it cannot be acted on today. She requested that it come after the resolution but before the next steps. She opened it up for discussion of the will of the senate to add the agenda item. Jordan Fong commented that a new resolution could derail the work that we have worked on. Comments were made about concern of the introduction of a new resolution that hasn't been agendized, but clarified this can be done with approval. Sara Cooper requested that we consider the new resolution in tandem with the already agendized one. Kathryn was concerned that this might not be allowed by Brown Act because the one agendized was indicated as possible action item, and didn't think that could happen with the second one. It would be possible to propose friendly amendments to the agendized resolution without modifying the agenda.

Voltaire Villanueva commented on the challenges with timeliness of introducing a new resolution. Sara Cooper commented that even acting on the resolution on the agenda today would require suspending the rules, and that we should bring content from both resolutions back to constituents. Sara asked if we are in a rush to get the resolution approved today, and Kathryn shared that under the agendized item we would be discussing the pros and cons of swift action. David commented that (for timeliness) we should get the meeting started. A motion was made seconded to agendize the second resolution after the one agendized, and passed via roll call vote (results of roll call at end of minutes).

A motion was made and seconded to put off approving the minutes until the next meeting. Approved by consensus.

4. No public comment.

#### 5. Discussion and possible action to the resolution of no confidence in President Nguyen

Kathryn explained that this resolution would first be presented by the two faculty leads, and then opportunity to speak given to any of the 48 presenters to speak, then we will share some information about votes of no confidence and open it up for discussion and Q&A. We will do periodic time checks. She then turned the meeting over to one of the presenters of the faculty resolution, Jordan Fong. Jordan mentioned being part of the cohort that wrote all past letters to president Nguyen, and the mediation team, and the resolution itself. Jordan commented that things weren't going in the right direction. He commented that having the objectives coming from the President was too little too late. Jordan mentioned that an overwhelming majority of the Senate strongly agreed in the vote of no confidence.

Rosa Nguyen - Rosa commented that she was holding president Nguyen responsible for the toxic environment and unfair treatment of employees. Rosa showed an edited video of President Nguyen, speaking about the role of STEM as a gatekeeper, and mentioning white supremacy as an issue in STEM.

Bill Zieggenhorn - supports a vote of no confidence in President Nguyen, the president must work with and respect the Academic Senate, we have a legal right to that relationship. The Academic Senate has tried to make it work, but the president hasn't put in the effort to make the relationship work.

Ben Armerding spoke and mentioned that these issues were emerging way back in 2018 when he was Vice President of the senate, and he spoke about his meetings and conversations with President Nguyen, and efforts by the officers trying to build collaboration, and mentioned resources that were committed by her publicly, but then denied privately, the hub (mess) then finally now the "breathtaking and spectacular failure" of mediation.

Milissa Carey addressed the concern for retribution by being associated with this resolution, and mentioned three constituents that didn't feel safe speaking out, even as tenured faculty. A second mentioned the fear of retribution for speaking up and sharing opinions.

David Marasco mentioned that faculty of color are treated differently, and even with tenure, he speaks carefully. But these are not the core issues that brought us here today. We haven't had a white male president since 1994, there have been a number of female presidents of color. But after three years of trying to work with President Nguyen, it has gone nowhere. But (and) when all of this is said and done, we as a College need to sit down and talk about race and equity.

Allison Meezan mentioned that while there has been tension in the past with Presidents, the relationships have never broken down. Some faculty felt fear of retribution, or that it was fruitless. She mentioned the 161 people (faculty, staff, and students) attending the meeting.

John Fox spoke in support of the resolution, for many reasons that are known, but that retaliation is illegal, and if anyone feels retaliation, they should come to the FA.

Kella de Castro, spoke about the job description of College President, with nine bullets, including increased participation in governance, and shared her screen with bullet points of job description, and if she isn't meeting them, she is not fulfilling her job description.

Patricia Gibbs, a faculty member who lives in the community, shared that she loves the College, and speaks publicly about the College, but things have changed. Many things have changed, including our "neighborhoods" on campus when the divisions were dissolved, and even the signage for divisions was taken down, essentially in the middle of the night. She spoke of being indebted to Senators. There has been such a change in campus climate, and so many people are saying "I fear, I fear" and a number of people who left the organization have said, "I just couldn't handle staying there anymore". They didn't leave because they were ready to leave, but they were pushed out. We lost our finest articulation officer, now working somewhere else.

Amy Edwards - shared that when Thuy first came to the College, she was very enthusiastic about working with Thuy, but in the last three years it has not worked. We need a president who is gung ho about equity, like she is, but also able to build coalitions of people in advancing that agenda. Amy commented that there's no room for dissenting opinions. Amy said there were a number of pieces of the second resolution proposed today that are very important, and the importance of recognizing that faculty hold equity in high regard.

Stephanie Chan talked about how she was hoping those with backgrounds in theories of equity, and critical race theory, would be invited into the conversation of helping to shape that vision, and we have not yet been asked to.

Eta Lin commented support and agreement for the many comments from faculty so far. She shared that while she personally really liked Thuy, and has a good relationship with her, and was glad to see so many initiatives that were important to her (anti-API hate) but looking at her behaviors, these reports we've been hearing are not anomalies, they represent a behavioral pattern, and this is her disciplinary expertise. She shared the importance of owning up to mistakes, not acting defensive when called out on something. We are all a work in progress. Eta shared she is presenting the resolution because all our work wasn't going anywhere, and especially the breakdown of mediation.

Kathryn asked Paul to share some FAQ on votes of no confidence. Paul shared that Kathryn was getting many questions about what a vote of no confidence was. Paul shared [a document](#) about what a vote of no confidence was. No one pattern for them. Usually for fiscal mismanagement or governance. Then what would happen if a vote of no confidence occurs. The administration, chancellor and board are then notified. Then Kathryn speaks at a Board meeting. The Board isn't required to take action, but is the vote of no confidence largely symbolic?

Kathryn opened the discussion back up for anyone – more faculty presenters, or questions and comments from senators or members of the public.

Susie Huerta (presenter of the resolution) talked about why this decision was difficult to make, because of the narrative being communicated by Thuy that this is an issue of racial discrimination. She sees this as evading responsibility, although she acknowledged that is incredibly hard for her to say that because she does not want to dismiss any person of color expressing their experiences of discrimination. She shared that she had personal experiences of people not believing her. Her tenure process was difficult, and she experienced racism.

People on her committee treated her unfairly, and that while she supports the resolution, it is difficult to speak up. She sees a pattern of avoiding accountability, and that is the main issue, and she is very frustrated that this is being presented as being about race or racism.

Fatai Heimuli read comments from Jayme Albritton expressing concern with the senate statement that "President Nguyen has fostered a pattern of mistrust" but did not see this from the student perspective. President Nguyen has supported (student) safe space, but she did not feel that the Academic Senate leadership supported them.

Fatai further read, President Nguyen has worked tirelessly to help students feel safe. Without her, they are concerned about the safety of students. Students are sad, that this is what this has come to, how can students help to resolve this issue.

Adrienne Hypolite - representing Classified Senate, will be abstaining if action is called for today because she hasn't had time to take this back to the Classified Senate constituency for input.

Fatima Jinnah (faculty presenter) commented that she is very nervous about the vote of no confidence because this is being framed as White leadership against a leader of color. While she doesn't want to gaslight anyone reporting racism, the issue is about accountability. There were four decisions that Thuy and Kristy made that did not have the support of faculty. Thuy doesn't have the ability to admit that a mistake was made, and then to address it. She commented that Thuy often would blame Kristy Lisle, and was thinking things were going to get better now that Kristy resigned, so she said it was very sad that Thuy withdrew from mediation after that. She is concerned that even with a vote of no confidence, Thuy won't resign, and the board won't fire her, and then what?

Kathryn commented that she wanted to make sure all the correct information is being shared. She clarified that Thuy did not withdraw from mediation, although she had done that temporarily in August, she had returned, however it was the professional mediator who withdrew resulting in the failed mediation, because he said the faculty's and Thuy's objectives and desired outcomes were incompatible. Thuy is now requesting that the senate re-engage in mediation with a new mediator, who is actually one of the facilitators of the Beyond Diversity trainings, but the 10-faculty mediation team unanimously agreed that this would not be successful based on how this went last time, and what led to the failure, not based on who the mediator would be.

Tim Shively (FA) seconded what John Fox said about retaliation and to make sure faculty who have any experience with this should reach out to FA. Tim commented that there is a need for expediency to pass this resolution, because of an FA meeting today, and a special board meeting next Monday. He commented that he wished that FA had supported the Academic Senate earlier.

Sara Cooper commented that the voice of students is very important, and we need to be listening to that. She said that whatever the circumstances are, Academic Senate remains committed and recognizes the importance of working with students. She commented the AS is at the wit's end and needs help from the Board. She asserted that the majority of the faculty support the Vote of No Confidence. And whatever goes into the resolution should reflect what the faculty really feel.

Sara wanted to propose some edits to the resolution, and shared some wording changes in the fourth whereas clause " President Nguyen has failed to provide...." Then she is very concerned

about the 10th (second to last whereas) clause and wants to make sure we recognize that issues of race do threaten the College, whether or not those issues have anything to do with the stalemate. The faculty are committed to equity, there is language in the second resolution that we may wish to incorporate into the resolution.

Janie Garcia - Classified Senate commented that she has been working with a team of people that are working in the background to develop a better governance system, no matter what happens with this resolution, we need to continue the collaboration. She recognizes that we work within a system that gives privilege to the faculty voice and decision-making, whereas only the opinions of staff and students are required.

Former student, and former ASFC senator commented that the students weren't involved enough in this decision, and before the Academic Senate takes a position, the students need to be involved in this discussion. It isn't responsible to move forward without that voice.

Tiffany Nguyen (current UCLA student) and former Foothill College Student Trustee - commented on how the College shaped her college success, and the very effective governance structure at Foothill. As a 2020 student trustee helped to pass the measure G bond. She commented about race and power dynamics in how governance works, and the impact of this decision on students. We are discussing the resolution of no confidence, and not many of the students' comments are being voiced right now.

Genevieve – former student trustee from De Anza - worked with Thuy on the measure G bond campaign. Was a great personal inspiration, thought that Thuy was ahead of her time, but maybe are being acted on at the right moment. She focused on the Housing crisis, economic inequality. She recognized the contributions that Thuy made to enhance student participation in governance. In looking at the resolution, the impact on students has been very different than the impact on faculty. Shared governance (not including students) isn't working for students in most other Colleges, so she is concerned about trying to maintain the status quo.

Kathryn interjected that we are coming to the end of the meeting and need to make a decision for next steps.

Student (Sydney) commented that this (vote of no confidence) is incredibly difficult for students, and perhaps the mediation can be restarted, and that a future president would not be as good for students as Thuy was. Many students don't even know that this is going on. Could students take this back and have students discuss it?

David McCormick, ESL faculty, commented there's a push towards approving the resolution with adjustments. The voice of students might be pushing for a second reading; what if a vote of no confidence doesn't achieve what we (Academic Senate) wants? We should hold our ground on grievances, but perhaps consider mediation.

Susie Huerta commented that she was very concerned to read some student comments in chat associating the creation of an ethnic studies program to Thuy and her leadership. This was a faculty-led initiative, and all eight faculty champions who worked to create the ethnic studies program were presenters of this resolution of no confidence in Thuy. This is really important for the students to understand and consider. She is very concerned about "us versus them" dynamic.

Kathryn commented that she is hearing loud and clear that there is a need to connect with students, and that we might not all have the same sources of information. We should have more conversations about this, in parallel to the issues around no confidence. There is some urgency around this, since the presumed topic of the closed session of the Board of Trustees meeting is this topic, but she will work with Fatai to see if she can schedule some conversations between faculty and students before then.

Kathryn then asked if there was a desire to extend the meeting, and a motion was made, seconded and approved by consensus to extend the meeting by 30 minutes. Rather than general comments, Kathryn urged we move to discussion of the resolution itself.

Voltaire asked if division senators have heard from their constituents if they would like to consider re-engaging in mediation, understanding we can't proceed with mediation with the same mediator, we would need to go to someone else. Answers: Jordan (FA/Comm) commented that nearly 50% said don't go back to mediation, only 10% said do go back. And that Academic Senate is very much in support of student success. Alexis (BSS) commented their faculty were also nearly evenly split on mediation. Tracee (Counseling) commented that counselling met for discussion and then took a poll, 80% said to not go back to mediation. Donna (PT) commented that the survey sent out to PT faculty so far indicated that 50% of P/T faculty expressed a desire to go back to mediation, and roughly 70% supported a vote of no confidence, but also that P/T faculty had expressed extremes, but that a survey allowed them to reach more people. Myra (DRC/VRC) reported that 67% of faculty wanted to re-engage in mediation. But if mediation failed, to go ahead with a vote of no confidence. Stephane (LA) shared poll results that the majority of faculty she spoke with wanted a vote of no confidence. David (PSME) reported that 90% of faculty supported a vote of no confidence. Kerri (BSS) commented that BSS faculty expressed strong support for a vote of no confidence, and Jordan Fong commented FACC supported a vote of no confidence.

A former student commented that they don't want to create division with faculty, but that students have been strongly in support of President Nguyen.

Kathryn then read a statement sent just minutes for the meeting began from Abhiraj Muhar, last year's ASFC president. He reported that his experience with Foothill was very positive, especially compared to UC Berkeley, and thought we were making progress addressing important concerns about governance. He was surprised and disappointed to hear of the vote of no confidence, and advised that the Academic Senate will do due diligence to listen to other voices (students).

Kathryn then asked what the body wanted to do at this point. She mentioned there are serious implications to not doing a second read, but not taking action also has consequences. What is our role and responsibility in the Academic Senate. She said these are huge considerations. If there is no will to move (vote) today.

Paul moved that we suspend the rules and take action on the resolution in front of us. There was no second, motion failed for lack of a second. An additional comment was made that if we want to model good shared governance, we should work to get additional input from various constituents.

Lynette asked what the consequences would be from a vote of no confidence? The vote of no confidence is an attempt to influence other decisions being made at the campus community.

Jennifer Sinclair commented there wasn't a lot of clarity about what is going to be done if there is a vote of no confidence. There was uncertainty about whether the faculty understood that the presidency could be dismissed, and this would impact a number of constituencies. There wasn't enough clarity about what the resolution mentioned.

There are many possible outcomes, including working on a resolution, or working on the documents together. Provided we meet the criterion of the Brown Act. We will work on the document(s) and then meet again on October 25th.

Kathryn commented that despite how challenging this topic is, and hard these conversations are, she is inspired to see so many people passionate about our College, including our former students and even former employees whom she saw on the call. This just shows how special this college is. She thanked everyone for speaking up and contributing to the conversation in a respectful and productive manner.

Meeting adjourned at 4:30 p.m. There were no final announcements.

Roll call votes: consider both resolutions today

Kathryn Mauer n/a  
Paul Starer N  
Eric Kuehnl Y  
Robert Cormia (abstain)

Brian Murphy abenset  
Alexis Aguilar Y  
Kerri Ryer Y  
Sara Cooper Y  
Frank Niccoli Y  
Tracee Cunningham Y  
Voltaire Villanueva Y  
Mayra Palmerin-Aguilera Y  
Milissa Carey Y  
Jordan Fong Y  
Jeff Bissell Y  
Katy Ripp Y  
Stephanie Chan Y  
Patricia Crespo-Martin (absent for this vote)  
Mary Thomas Y  
Matthew Litrus Y  
David Marasco Y  
Donna Frankel Y  
Ellen Judd Y  
Fatai Heimuli Y  
Adrienne Hypolite Y  
John Fox Y  
Carolyn Holcroft Y  
Ajani Byrd (abstain)  
Kurt Hueg (abstain)