

NORTH HARRIS COUNTY COLLEGE UNITED FACULTY

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THE ADVOCATE

NHCC United Faculty
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Secretary, NHCC UF

"I'm Covered -- Or Am I?" by Michael McFarland A Brief Look at Faculty Professional Liability

It varies with the discipline, but we faculty members don't often stop to think about what might happen if anything should go wrong in the classroom and we should find ourselves the victims of lawsuits. We may simply assume that the administration has us insured for just about any kind of situation that might arise.

Wrong. It is the philosophy of NHCC that professional liability insurance is the responsibility of the instructor. Personnel Policy 332.03 even makes a point of saying that the College's generalized "Wrongful Acts" policy should not be confused with professional liability insurance. The implication is that the instructor should take it on himself or herself to subscribe to such insurance through one of the many professional organizations available. (Purchasing such insurance as an individual is prohibitively expensive.) Two organizations most frequently chosen by NHCC faculty in general are the Texas Junior College Teachers Association (TJCTA) and the American Federation of Teachers (AFT), whose local affiliate is NHCC United Faculty. Here is a brief overview of professional liability coverage for a faculty member in three situations: no outside coverage, TJCTA's policy, and AFT's policy.

NO OUTSIDE POLICY. NHCC faculty are covered by the overall "Wrongful Acts" policy, which includes cases of error, neglect, breach of duty, or misleading statements." These are generalized terms, and one might conclude that the College would support a faculty member with its legal counsel, the expenses of which would be met through this insurance policy. However, since the language is so broad, it is likely that the administration could
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"Education for Democracy — Democracy for Education"

Summary of Faculty Survey

by Gary Clark

In April of 1988 a self-administered survey questionnaire regarding attitudes toward NHCC United Faculty was distributed to the faculty of the NHCC South Campus. Sixty-five questionnaires were returned, of which fifty-seven were useable. Of that fifty-seven, forty-two were from nonmembers of NHCC United Faculty and fifteen were from members. The sample of fifty-seven comprised an excellent cross-section of the faculty: about half were males, half females; all divisions were reasonably represented; the average teaching tenure was seven years.

NHCC United Faculty has a substantially healthy image among the faculty. Almost half (48%) have an overall favorable attitude toward the NHCC United Faculty, and a scant 14% look upon it unfavorably. This same favorable disposition is maintained toward the AFT, but a little over half the sample have negative attitudes toward the AFL-CIO. Faculty members are extremely pleased with the presence of NHCC United Faculty on campus: two-thirds say they are pleased and only 9% say they are displeased.

One of the prime reasons for the favorable attitude toward the union is that NHCC United Faculty is seen as a champion of faculty rights. More than two-thirds say the purpose of the union is to be a faculty advocate, and nearly half say the primary benefit of membership is legal protection. Over a fourth indicate the union should be a watchdog on the administration.

Faculty see three disadvantages to membership in NHCC United Faculty. First, they are afraid of being blacklisted by administrators; second, they do not like the perceived stigma of union membership; and third, they are concerned about the monetary commitment for membership dues.

Overall, faculty are reasonably satisfied with the way the union communicates with and represents faculty issues to various influential group such as the Board and the administration. However, a high level of ignorance prevails about the communication efforts and representation profile of the union.

When asked to rank-order five concrete areas in which the union can best serve faculty interests, faculty ranked "negotiating with State legislators" and "negotiating with the administration" as numbers 1 and 2, respectively. A low rank of number 4 was given to the area described as "negotiating with the Board of Trustees."

The Semantic Differential question that profiled faculty attitudes toward the union along ten scales measured only a mild intensity of negative feelings and a powerful intensity of positive feelings. Indeed, only three scales out of ten pulled in the negative direction (regarding faculty salaries, union dues, and poor knowledge of NHCC United Faculty). Scales pulling
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reserve the right to make individual decisions about the extent of support. Also, if a lawsuit names both the College and the individual instructor as defendants, distinctions in coverage might be made in particular cases. NHCC Personnel Policy 332.03 goes on to specify that "intentional or negligent acts that cause physical or emotional damage to the injured" are definitely not covered. Neither are any of the following: "active or deliberate fraud, alleged discrimination suits, or 'punitive damages.'"

TJCTA. We are fortunate that one of our faculty, Larry Shirts, is President of TJCTA, and he gave us some facts about its coverage. First, simple membership (\$25/year) does not offer liability coverage automatically. It offers sources of the best information available, and members are often (though not always) referred to attorneys for advice. TJCTA may become involved in cases which infringe upon faculty members' rights. For another \$25/year, the organization offers a policy which has specific guaranteed limits of \$1 million in actual damages (such as students' bodily injury or personal injury -- this would include libel, slander, defamation of character, violation of privacy, etc.), \$5000 in attorney fees, \$1000 in bail bonds, and \$5000 in punitive damages. Civil rights discrimination cases, malpractice cases in medical fields, and certain other situations are excluded.

AFT. Members are automatically covered with membership (dues are \$18/month). The AFT's policy limits are the same as TJCTA's with one exception. Attorney fee reimbursement is much higher, due to the AFT Legal Trust Fund: \$500,000 for inadvertent acts or omissions (including "failure to educate") and \$250,000 for denial of constitutional rights.

Of the three policies discussed here, AFT's clearly offers the most comprehensive coverage. It would be a very good idea for every faculty member to join a professional organization and to take advantage of any professional liability policy available.

President's Column

by Alan Hall

Perhaps you are wondering why AFT has never been on the South Campus inservice programs. Faculty Senate and TJCTA presentations are routinely on the agenda. Why not AFT?

It's a mystery to me, too. For about a year now we have been seeking equal time with TJCTA. Among Dr. Phillips' evolving reasons for denying the request have been:

Our request came too late.

It is inappropriate for any organizations to present.

The AFT is a "different" kind of organization.

There must be something I am missing in all of this.

in a strongly positive direction involved the integrity of union members and the union as faculty advocate. The last scale, a measure of non-members' inclination to join the union, indicated a positive tendency toward joining; that tendency is maintained among both the Business faculty (29% of the sample) and the faculty who expressed a neutral attitude toward the union (38% of the sample).

Several conditional scenarios were listed that might make the union "more" attractive to the faculty. The most attractive conditional scenarios were 1) non-renewal of one's contract and 2) a better understanding of NHCC United Faculty. Curiously, almost half the faculty said that the legalization of strikes by public teachers in Texas would make no difference in the union's appeal, nor would the legalization of collective bargaining for teachers. The conditional scenario of the faculty having a better understanding of the union had the strongest appeal to the Business faculty, to the faculty who are neutral toward the union, and to the faculty who are positively inclined toward joining the union.

Garage Sale to Benefit Legal Defense Fund

AFT members and nonmembers alike are urged to save unwanted but saleable items for a garage sale to benefit the NHCC United Faculty Legal Defense Fund. The proceeds will go towards replacing local funds spent in defraying Gary Hall's legal expenses and will be available should future cases arise. The sale will be held at the home of Gary's mother, Mrs. Virginia Hall, who lives at 23810 Farm Hill Road in the North Spring subdivision. The date of the sale is Saturday, October 29; please arrange to deliver your contributions the preceding day between 9:00 AM and 6:00 PM. To reach Mrs. Hall's house, travel north on Aldine-Westfield from FM 1960 for about three miles, and turn right on North Spring Dr. Go to the fourth stop sign and turn right on Farm Hill Road. Her house is on the left. South Campus instructors John King (443-5648) and Tom Kelly (443-5567) will help to move large items.

Interested in Joining?

Are you ready for the kind of first-class professional liability insurance offered by AFT? Our regular dues are \$9/month for adjunct faculty and \$18/month for fulltime faculty. We offer patron memberships at \$25/month to help cover costs like the printing of this newsletter. To join, send a check made out to NHCC United Faculty for at least one month's dues to Allen Vogt, Treasurer, Suite A-264, South Campus.