



The Advocate

Proposed Dispute Resolution Center

The American Federation of Teachers is probably best known for helping employees that are experiencing conflicts at work. Frequently, employees approach those of us on the AFT Executive Board deeply concerned about a work relationship (most frequently with supervisors) that seems to be going off the rails. Usually, they are very disturbed and they know that the situation cannot continue as it is, but they don't want confrontation. They just want to be able to do their work, know that they are meeting the expectations of their job, and get along with their coworkers.

The conflicts that we encounter fall roughly into two major categories. People probably hear the most about the big ones where an administrator has begun some sort of punitive action against the employee and we are working our way through the grievance process. This is the type of conflict we've been writing about quite a bit lately, and that conversation gravitates around the Six Signature Process, the Grievance Policy, and Appeal to the Board. The fact of the matter is that most of the conflicts we help out with never have to go that far. In this issue, I'd like to pay special attention to what the union does in cases that most people never hear about.

AFT-Lone Star College is firmly committed to resolving conflicts within the college at the lowest possible level in a way that builds and reinforces positive working relations.

I would say that in well over half of these situations, we can talk with the employees, help them clarify what is bothering them, and advise them on how to speak with their supervisors in a positive way about their concerns. I am very glad to say that many, many times, the employees will come back to tell us that they've

Inside this issue:

Proposed Dispute Resolution Center	1-4
Invitation to a Conversation	4-7
An Update of Migration Justice in Texas-Part 3	7-9
A Problem Solved	9
Listen...to the Chancellor	10
Tales from the Unionside	10-12
AFT Discounts	12-13
AFT Benefits	14
Directions for Joining the AFT	15
AFT Officers	16

AFT Members:

Please mark your calendars for Saturday, April 10. Our attorneys, Chris Tritico and Ron Rainey, have worked with AFT presidents in the Houston area, including myself at AFT-Lone Star College, to offer an excellent day-long presentation on various legal issues. There is no cost to our members.

Topics include Wills and Probate, Consumer Law, Plaintiffs Personal Injury, Real Estate, Employment Law, Adjunct Professors and Conflicts Among Colleges, Grievances, and Social Media among others.

This presentation is for members only. AFT-Lone Star will send out information to members on details in the next few weeks. **If you haven't joined yet, see page 15 of this publication.**

Alan Hall

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talked to their supervisor and have come to a better understanding of each other and found a mutually agreeable way to resolve any issues. This is the best possible outcome and, often, no one other than the employee who spoke to us even knows that AFT was involved.

Sometimes, however, either the employee has already tried to have this one-on-one conversation and it didn't work out well for any number of reasons, or the employee feels a bit overwhelmed about talking to a supervisor about a problem alone. In those cases, we are pleased to accompany the employee to meet with the supervisor. We've been doing this for many, many years and many supervisors have welcomed our presence. Technically, we are representing the employee, but the word "representation" may conjure up images of courtroom dramas in which a plaintiff (the employee) sits at a desk while a lawyer argues passionately on his/her behalf and aggressively questions the opposing side. These meetings don't look like that at all. The employee and the supervisor speak together. We provide moral support, help employees remember the points they want to make, nudge the conversation back on track if it's going afield, offer restatements of points if one side doesn't seem to understand the other, and generally try to keep the atmosphere positive and focused on solutions rather than on conflict. Sometimes supervisors have representatives present as well, hopefully with the same goals in mind. The great news is that, many times, these conversations either solve the problems or, at least, get things going in the right direction.

Although we've been involved in these informal conversations for more than four decades, the process I am describing has been enshrined in Lone Star College policy in the last couple of years. Section IV.F.10.08 encourages Informal Resolution of concerns and complaints and Section IV.F.10.07 states that, even at this informal level, either side may be represented, including by legal counsel, provided the selected representative does not claim the right to strike. (Per the Texas Constitution, state employees do not have the right to strike.)

The college administration is considering adding a new program that would supplement this Informal Resolution phase. Currently in draft form, the program would establish a Dispute Resolution Center that would provide

mediation services to help resolve conflicts at the lowest possible level. The college would hire outside mediators to oversee these meetings.

Mediation is a potentially valuable tool and we are glad that the administration recognizes that finding solutions at the lowest possible level is in the best interests of all.



We are also glad that this proposal implicitly acknowledges that a fair resolution of a problem sometimes depends on the intervention of a neutral third party outside of the administrative chain. We have advocated for this principle over many years. If mediation fails to solve the issue, the employee can then file a formal grievance. If adopted, the program would be piloted first for faculty-faculty and faculty-administration disputes. (The draft proposal is printed on page 4.)

In our judgment, the logical place for mediation in the conflict resolution process would be AFTER the employee and supervisor have tried to resolve their conflict in the type of meeting we have already described. Bringing in a mediator from outside escalates the situation, so that option makes the most sense if the one-on-one meeting didn't resolve the problem. We believe that many conflicts will not need to proceed as far as mediation.

The draft proposal states that no change in policy would be required because mediation is an informal resolution process covered in Section IV.F.10.08. Coming under that policy statement, Section IV.F.10.07 automatically applies, guaranteeing the right of representation.

Provisions for representation are, indeed, included. Each faculty senate president would select two nominees from the faculty who would receive training, a stipend, and a course load reduction in exchange for representing employees. These 12 nominees would serve in a pool for one year, and faculty members would choose representatives from this pool. Having more employees on campus who can help with conflict resolution would be very valuable.

The AFT has some concerns about this proposal that we believe need to be considered before the Dispute Resolution Center proposal goes farther.

1) Any dispute resolution process must eventually be available to all employees. That appears to be the stated



intention with faculty being targeted for the pilot. It is critical that staff are not forgotten and that these opportunities are extended to them as well, as soon as possible.

2) There needs to be transparency in the selection of outside mediators, or employees will not have confidence in the process. It would be important for a panel of employees to have some oversight and input into that selection.

3) From our own personal experiences, developing the skills to effectively represent employees in a difficult conversation takes time. One year is not enough time to develop that facility. Cutting off the opportunity to serve at one year seems to be a waste of resources. This is especially true since (thankfully) there are usually not that many conflict situations in a given year, last year being a notable exception. (Of course we believe that any employee who no longer wants to continue as a representative should have the right to step down.)

4) Most importantly, employees should, and by Section IV.F.10.07 do, have the right to select representation of their choice. The wording of this policy is carefully crafted to align with established legal precedence in the state of Texas. As stated before, the proposal clearly places mediation within the informal resolution process in which IV.F.10.07 applies. In another part of the proposal, however, it is stated that the mediation process will be unavailable to any employee who chooses a representative outside the approved list of 12. The argument is that mediation is OUTSIDE the current policies. A process can't be both inside and outside the policy at the same time. So, although having more employees on campus to help with representation is good, restricting whom an employee can choose is neither acceptable nor tenable.

5) The draft proposal states that "The DRC Pilot program will be a proactive step to mediating disputes before a faculty member can file a formal grievance," which seems to make participation mandatory if an employee wishes to keep open the option of filing a formal grievance. This potentially forces employees to accept representation they do not want at the mediation step or to forego representation altogether at this stage. Either way weakens the effectiveness of the mediation.

6) This final concern may come as a surprise from a labor union. The proposal says that faculty can have representation but supervisors cannot. We firmly believe that due process rights apply to all employees. That includes employees in management.

None of these concerns are insurmountable. Mediation can be a helpful tool. We hope that the administration will consider these concerns. As we have in the past, we encourage an open dialog with participation from all

stakeholders—including Faculty Senate, the PSSA, and the AFT—to discuss conflict resolution ideas.

Earlier, I described the two categories of cases that the AFT becomes involved in. In this article, I have focused on resolving conflicts at the lowest possible level. I have described what the union currently does at this level through advice and representation in informal meetings and the new proposed tool of mediation.

As I close, I want to return briefly to the more dramatic cases in which an employee is proceeding through the formal grievance policy, possibly because of a punitive action. As mentioned above, one of the positive aspects of the mediation proposal is that the administration is formally recognizing the importance of a neutral third party who is not in the administrative chain to guarantee a fair resolution. This is just as important at the higher levels in the conflict resolution process as it is at the lower levels.

At the moment, however, the college appears to be moving in two different directions. There are policy proposals that would eliminate the only appeal to a neutral third party (namely, the Board of Trustees) currently available and would also eliminate the possibility of appeal at all for non-contractual employees who are terminated or any employee who is placed on administrative leave. If these policy revisions are approved, most staff members would have no due process rights of appeal if they were to be terminated.

In other cases, any appeal would ultimately be decided by one person, the Chancellor. This is not to imply anything one way or another about the current or any future chancellor. Without any involvement from a neutral third party, these are generally very serious cases to leave to the ultimate judgment of only one person. Appeals courts are normally comprised of a panel of judges because all individuals tend to be biased. We recommend that the final stage of appeal be to a group of at least three people, rather than a lone supervisor.

Equitable due process rights at all levels are paramount. In the December edition of this newsletter, we addressed possible resolutions at the higher level. Once again, we call for an open and comprehensive dialog involving all stakeholders. Lone Star has talented and dedicated staff, faculty, and administrators who can work together to create a process worthy of a great college to work for.

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Dispute Resolution Center Pilot Program DRAFT

Purpose: The Dispute Resolution Center (DRC) Pilot Program implements the first phase of an inhouse dispute resolution program aimed at proactively resolving disputes at early stages.

Scope: The first phase of the DRC Pilot Program will be restricted to faculty-faculty disputes and faculty-administration disputes. Employees in these dispute types are encouraged to use the DRC Pilot Program prior to filing a formal grievance under Board Policy Section IV.F.10 (Board Policy already allows for informal dispute resolution as a precursor to more formal proceedings and the DRC would fit right into our Policy Manual without need of further Policy Manual amendments via Chancellor's Procedures). The College may use the DRC to resolve other types of disputes, with the agreement of both parties, beyond faculty-faculty and faculty-administration controversies, but the intent is to pilot the program solely for the two types of disputes identified in this paragraph.

Overview: The DRC Pilot Program will be a proactive step to mediating disputes before a faculty member can file a formal grievance with their Vice President of Instruction. Because the Board's policy manual requires the College to allow a representative of the employee's choosing—including a lawyer—this recommended DRC is unavailable once a faculty member elects a representative outside of the faculty senate pool. Each faculty member involved in a dispute may choose a representative from a pool of faculty senate members. Administrators will not receive a representative in the DRC Pilot Program. Once representatives are chosen, the Office of Organizational Development will hire an outside mediator to mediate the dispute between faculty or faculty-administrator. If the mediation does not resolve the conflict, the faculty member may then formally file his or her grievance.

Confidentiality. Organizational Development will manage the DRC Pilot Program. Each faculty senate representative will be required to sign a confidentiality notice. Each faculty member involved will be required to sign a confidentiality waiver allowing a peer to represent him or her in otherwise confidential proceedings.

Representative Selection. Each faculty senate president will nominate two members of the faculty senate to be that college's representatives at the start of each academic year. Each nominee will review the representative's responsibilities and determine whether they are able to fulfill them. If the nominee agrees to serve as one of that college's representatives, then he or she shall receive training, a stipend, and a course load reduction. If a nominee decides he or she does not want to serve as a repre-

sentative, then the faculty senate president will choose another nominee.

Representative Pool. The 12 faculty representatives may serve in the pool for one year.

Representative Removal. The faculty senate president may remove his or her nominee for any reason at the faculty senate president's discretion.

Faculty Representative Selection. A faculty member may choose not to have a representative. If mediation does not resolve the faculty member's concern, then the faculty member may file a formal grievance with or without their DRC representative.

Invitation to a Conversation



In October, headlines exploded around the country with the Harvey Weinstein scandal, which was soon followed by a wave of subsequent resignations, firings, and denials. One story after another revealed the histories of cover-ups—cash settlements for silence, threats to withhold promotions (*quid pro quo*), or even the self-imposed silence of women themselves, as happened in Alabama, because the predator was a powerful politician widely known to the public.

It was not new, of course. We've had the Catholic Church scandals, as well as Sandusky, Cosby and O'Reilly. But in late 2017, the stories suddenly became so widespread that the massive #MeToo movement rocked our country, and more stories continue to surface, even at the time of this writing. Many of these, as in the case of the athletes victimized by Olympic doctor Larry Nassar, occurred over a long period, during which many talked to their families or friends but did not make their concerns public, while "grapevine" rumors circulated without effect.

This national break-through of awareness has, in fact, made me reflect on our own college community of facul-



ty, staff, administrators—and especially students. How do we measure up? Do we have a problem with some who may misuse their power over others? Our LSC online sexual harassment training last fall—required of all full-time, adjunct, and part-time hourly employees—seeks to combat the tendency to look the other way and tolerate bad actors. The modules are redundant, probably by design, and I welcome that repetition because I'm convinced that these points need to be hammered home.

Among other topics, we studied the definition of a hostile work environment and *quid pro quo* harassment—how to identify them, how to report them, and how to maintain (or not maintain) confidentiality whenever appropriate. We learned that the goal is zero tolerance. There is a designated Title IX official (Karen Miner, at the System Office) who can help us with information and advice on which procedure(s) to follow for any specific occurrence. This training is required by the Obama-era Equal Employment Opportunity Commission (a regulation that may be reviewed by the Trump administration).

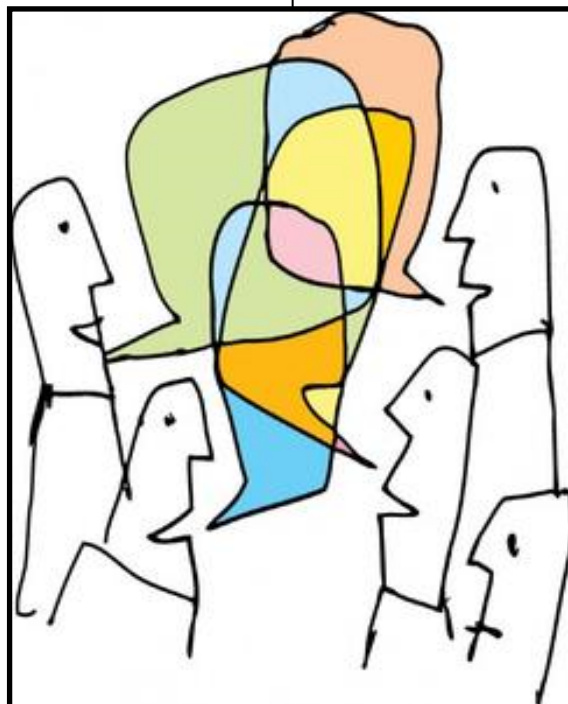
I'm feeling pretty good about what we have learned so far, and yet, if we think that the training has given us all the tools we need, we are wrong. According to a recent *New York Times* article, "Nearly half of women say they have experienced some form of [sexual harassment] at work at least once" and "about a third of men said they had done something at work within the past year that would qualify as objectionable behavior or sexual harassment."¹

As a large institution reflective of the nation, we need to have more conversations that unfold in an ethical, confidential, and (when appropriate) public way. Therefore, it is quite likely that we have employees who—educated via the recent training and encouraged by the #MeToo wave—may be feeling the courage, for the first time, to speak up regarding events which have been only whispered about before now. At Michigan State, Larry Nassar's enablers allowed him to establish a long-term pattern of misconduct for more than twenty years (even enduring a Title IX investigation a few years back), before 156 women finally came forth to accuse him in court, resulting in a sentence of 175 years in prison....

So we should not delay. Let's start this conversation soon—what questions do we have? How do we go forward from the point where the training modules left off? Do we have our own enablers who either refuse to look

into reports of sexual harassment or simply don't believe those who report it? Most importantly, what are the guidelines that the college should follow after the harassment is identified? I propose that we clearly lay out two kinds of procedures—*due process* and *proportionality*. On the national stage, opinions are swirling about both of these, and they need to be the focus of our own conversation.

"*Due process* means a fair, full investigation, with a chance for the accused to respond. And *proportionality* means that while all forms of inappropriate sexual behavior should be addressed, the response should be based on the nature of the transgressions."²



First, *due process* includes investigating, scrutinizing, and weighing whatever evidence may underlie the accusations. For example, what procedures are in place to confirm that the events did happen or to evaluate the weight of evidence? Many men (naively?) hold the obtuse assumption that "consent" is an event, not a process, and their view of what is appropriate is flat wrong. Should that view be considered in some cases, or discarded as the simplistic falsehood that it is? And will an independent arbiter be involved? These questions (in each case needing individual examination) are vitally important, because without careful consideration, the due process phase could be so unclear that we lose trust in the system, or start to fear the retaliation which would be inevitable if the accusation is taken too lightly. Isn't this the reason that, in these national stories, much sexual harassment went unreported, and wouldn't it continue to be so without some kind of confidence in the way the due process is administered? Care must be taken to be absolutely clear, because failing to do so might invite more unreported cases, or false allegations against an innocent person, by a disgruntled employee.

The #MeToo movement has given large numbers of women (and men) the opportunity to tell their stories of sexual harassment—whether it be unwanted touching, outright rape, stalking, exhibitionism, molestation, offensive language, jokes in bad taste, hostile work envi-



ronments, etc. And rightly so. As in the case of U.S. Senator Al Franken (D-Minnesota), the “off with the head” view (ignoring due process) can result in resignations or firings immediately after the accusations first appear, without any hearing to scrutinize evidence and/or to decide appropriate punishment. It might even seem, in light of the massive number of cases and the widespread nature of the problem, that this is the appropriate response. But should it be a long-term policy?

Finally, the penalty phase must be tempered by proportionality. This is difficult, again, because our society has few procedures in place to determine the penalty, even when the accusation is valid. In fact, some have proposed simply disposing of proportionality. Senator Kirsten Gillibrand (D-New York) not only feels that Bill Clinton should have resigned over the Lewinsky affair, but that the only way to understand “zero tolerance” is just that: zero means zero, every time and in every instance: “I think when we start having to talk about the differences between sexual assault and sexual harassment and unwanted groping [we] need to draw a line in the sand and say none of it is O.K. None of it is acceptable.”³

But does zero tolerance paint with too broad a brush? Should *quid pro quo* receive the same response as creating a hostile work environment or a man’s “tin ear” miscalculation that those within the range of his voice also share his off-color sense of humor? We have not thought enough about this. Again, a thorough, deliberative conversation on the subject is called for—would it be possible to agree that all these behaviors are inappropriate but resist the idea that they all should receive identical punishments?

In the cases of Roy Moore and Donald Trump, their misconduct occurred years in the past, and they never had to face accusations, due process, or even any penalty at the time. Much later, when they were on the ballot, there was no time to review evidence or apply due process. In these two elections, one accused sexual molester was defeated by the voters, but a self-confessed sexual predator was selected by the voters. Apparently, election laws do not even address sexual harassment as a penalty—unless it escalates to the level of a felony. I was once the victim of a student who stalked me on campus and via emails. The North Harris President at the time, Dr. Steve Head, reviewed the evidence and banned the student from campus—yet at the next Board election she was able to stand as a legitimate candidate while North Harris employees were being told to call security if she was seen on campus. Due process functioned at the campus level, but that did not prevent voters from being allowed to decide whether misconduct would affect their choice of candidates.

Still, I’m wondering where all this leaves the issue of

sexual harassment today, in our country and at our college. Should we work to change election laws? And within our own organization, what is our responsibility as an institution to develop (and/or promote) transparent and fair procedures for due process and proportionality? Who would serve on a task force to start asking the key questions we would need to work through? Who would even begin the process?

An invitation to create such a conversation at LSC. We now have been trained in the ways to identify and avoid sexual harassment as well as how to report it, so this becomes an important moment to make changes, and at all levels. We know, at one level, to discourage harassment before it advances (“Get your hands off me” or simply “I’m not interested”). And we know how to move the issue forward to the supervisor or Title IX Coordinator for our campus if it does not stop.

The AFT, as a labor organization, seeks to advocate for the good of all employees and to work for a safe work environment. *But these concerns are a good match with those of the college’s leadership and Board.* Therefore, we could start this conversation jointly, and I challenge *The Advocate* readers (union members or not) to take a part.

Since the college has laid out the LSC “20/20” core cultural beliefs, perhaps these might become a starting point for conversations between employees, between employees and supervisors (faculty/staff), and perhaps most meaningfully, between the union and the college’s leadership? We could pick any one and then use it as the framework for the beginning of our work:

- Students Matter**—caring about students’ welfare and goals
- Inspire Excellence**—valuing contributions of all employees
- Act Intentionally**—making decisions based on the most reliable information
- Better Together**—sharing knowledge and encouraging collaboration
- No Fear!**—boldly working for positive change
- Trust!**—cultivating an atmosphere of transparent communication and dialogue

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2 Teachout, Zephyr. “I’m Unconvinced Franken Should Quit.” *The New York Times*. Dec. 12, 2017.

3 Goldmacher, Shane. “On Sexual Conduct, Gillibrand Keeps Herself at the Fore.” *The New York Times*. Dec. 6, 2017.



An Update of Migration Justice in Texas -Part 3

“Nothing that is worth doing can be achieved in our lifetime; therefore we must be saved by hope.

Nothing which is true or beautiful or good makes complete sense in any immediate context of history; therefore we must be saved by faith.

Nothing we do, however virtuous, can be accomplished alone; therefore we must be saved by love.

No virtuous act is quite as virtuous from the standpoint of our friend or foe as it is from our standpoint. Therefore we must be saved by the final form of love which is forgiveness.”

— Reinhold Niebuhr, *The Irony of American History*



Review and Updates

We would like you to build on our previous two articles to explain the threat to migrants in our community after the current executive ending of DACA—Deferred Action for Childhood Arrivals—and the federal Administration’s attack on all undocumented migrants. Further, our previous articles focused on the State of Texas’s threat against undocumented migrants, including college students, through Senate Bill 4. Since November, the national political attack on migrants has increased, dangerously. 17,000 young people are currently at risk of deportation and 122 more are added *with each day* of their inaction. We start with an update on policies that threaten our communities and our students.

1. On 10 January 2018, Federal Judge William Alsup in San Francisco blocked the President’s decision to

cancel DACA, arguing, “DACA covers a class of immigrants whose presence, seemingly all agree, poses the least, if any, threat and allows them to sign up for honest labor on the condition of continued good behavior.

... This has become an important program for DACA recipients and their families, for the employers who hire them, for our tax treasuries, and for our economy.”¹

Over a dozen states and several private organizations have sued the Administration over the end of DACA, but of course, Texas is not part of those suits.

Because of that decision, the U.S. Department of Homeland Security Citizenship and Immigration Services have temporarily *resumed* DACA *renewals only*—new DACA applications are not accepted.² Students must contact Citizen Services immediately to renew with updated forms.

3. The Administration appealed to the United States Supreme Court to overrule Judge Alsup’s decision and—again—stop the DACA program. Interestingly, the Administration’s appeal to SCOTUS acts as the Department of Homeland Security *vs* a university (University of California) *et al.* as plaintiff.³ This reminds us that institutions of higher education and those employees have important roles to play in these proceedings, whether through complicity or resistance. If the administration’s decision to cancel DACA stands, all permits will expire on March 5, 2018.

4. The Administration is increasingly attacking migrant communities, including employers; activists; entire cities who attempt to protect their communities; and increasingly non-criminal migrants, including some who have lived in the United States for ten, twenty, and thirty years, raising families and building their communities. We have watched as ICE has detained and deported these people and torn families and communities apart.

5. The Administration ended the Temporary Protected Status (TPS) of over 260,000 Salvadorans, including over 36,000 Salvadorans in Texas. Similarly, many of these Texas Salvadorans holding TPS have an estimated 42,500 children who are U.S. citizens. Like the threats to all DACA college students, this further threatens our college students. In short, many of our college students may lose their parents in 2019.

6. The Lone Star College System has called for “Rebuild Houston” to lead the community in re/training for this historic construction after Hurricane Harvey <<http://www.lonestar.edu/RebuildHouston/>>. We must understand that migrants will be the backbone in all construction efforts for coming decades. Undocumented migrants will work in every construction site. Many undocumented migrants will need to produce increasingly skilled work to rebuild Houston.⁴



7. Our federal president called many of our college students' homes "shitholes."

8. The State of Texas is defending SB4 law which encourages racial profiling and expands the collaboration of local communities' institutions with ICE.

Congress ended their shutdown in January 2018, based on an agreement to create an immigration bill, including restoring DACA, by February 8. Immigrants' rights groups have called for a clean DREAM act⁵, meaning one that does not also include increased funding for a border wall and ICE personnel (which is, at best, an expense of questionable efficacy⁶ and at worst a direct attack on migrants).

The axis of Abbott-Patrick-Paxton insists, wrongly, that undocumented migrants are threats to our communities. Abbott-Patrick-Paxton are obsessed with any boogeyman as an easy way to target migrants in our communities. For example, when U.S. Border Patrol agent Rogelio Martinez was killed on 18 November 2017, Patrick tweeted, relying on a FOX NEWS source, "Border agent killed, partner injured by illegal immigrants using rocks,"⁷ while Paxton's tweet relied on *Brietbart's* argument that "Our borders must be secured and criminals must be held accountable."⁸ Yet, importantly, Martinez's death is still unexplained and the Border Patrol has not claimed that anyone crossing the border killed Martinez. Further, U.S. Senator Ted Cruz labeled Martinez's death as "a stark reminder of the ongoing threat that an unsecure border poses to the safety of our communities and those charged with defending them."⁹ This straw man fallacy mirrors other far-right politicians who *politicize* migration without facts, information, or discussion. We focus on this unsubstantiated discourse as reflective of the forces that created SB4, assuming that migrants are criminals and threats to our communities.

To clarify this myth that migrants are threats to our communities and our college, consider that update research shows a) though far-right "news" discourses claim that migrants are gangs roving the streets, gangs such as MS-13 have *decreasing* influence in Texas and the country¹⁰ while white supremacy violence is increasing.¹¹ Abbott is silent on this trend, but he still defends the state's decades of gerrymandering to disenfranchise people of color.

Here as employees in our community college, we want to focus on challenging the persistent and inflexible discourse against undocumented migrants, against people of color, and against our college students who are threatened by SB4. The national and state ideologues use such discourse to effectively reach their political base, seeing all migrants as being "others," "aliens," (read: "not like us")—that's what despots do well: they maintain their power through repetitious hate and fear, without empathy, without reason, without dialog. As colleges, we must strengthen the American

academy by defending rational discourse and expanding democracy, not silencing through fallacious arguments, ignorant fake news, and bellicose shouting in the night.

These summaries are offered to ensure that we all understand the complexities and the state's persistent assaults against our migration community. Yet these articles are not meant merely to inform. In defending rational arguments and the humanity of migrants, we must go beyond talking amongst ourselves and move into talking to our representatives. To that end, this union chapter calls for action--three specific actions that all employees can be involved in, together:



Call for Action:

1. We plan to meet in U.S. Senator Rafael Edward "Ted" Cruz in his Houston office at 808 Travis St on Friday, 9 February, 2018 at 10:00 a.m.. We will meet his office aides to discuss the DREAM Act and how it affects our college students and our community. We will follow our meetings with sandwiches and socializing. Follow the AFT blog site <aftlonestar.blogspot.com> for organizing updates.
2. We call for each college to create regular academic and civic engagement forums to understand migration. We further call to expand each college's academic programs with regular, repeated, and expanding studies for migration and globalism. Our college is strong; we should lead the awareness of migration education.
3. We call for the Lone Star College System to clarify *in print and on its website* how SB4 affects all students and the faculty and staff responsibilities, such as at UH: <http://www.uh.edu/provost/policies/university/sb4/> (Currently, www.lonestar.edu has no comments regarding SB4. This may be an unfortunate oversight and does not reflect the college's values for transparency).

In our final article, we will address unjust laws such as SB4 and how we may resist unjust laws in a free community.



Join me!

#IStandWithImmigrants



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Endnotes

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A Problem Solved

A number of months ago, a couple of AFT faculty members reached out to me regarding a concern that they had. The concern was that LSC was hiring new faculty with doctorates at a higher salary than was being paid to current LSC faculty with the same degrees. In other words, the college was paying brand-new faculty hires more money for their degrees than the current faculty.

I met a few times with these two capable faculty members. We discussed their concerns, and they began to work on change. I am pleased that the administration acted quickly to adjust salaries of faculty having earned doctorates in the last five years. Additionally, the college will next adjust salaries for faculty who earned doctorates beyond the five-year window.

The AFT welcomes the quick response to adjust salary for faculty who have earned their doctorates recently, and we are pleased at the college's pledge to raise educational attainment awards of faculty outside the five-year window as well. We are gratified by the outcome and look forward to working with the administration on future projects.

Alan Hall





The following Op-Ed article is submitted by LSC-CyFair faculty member Jeff Hirt, Associate Professor of Business. He raises a question often asked by LSC faculty: Is LSC run like a college, or is it run like a corporation? John Burghduff, AFT-Faculty Vice President at CyFair, brought this issue up in "My Sojourn in For-Profit Higher Education: A Cautionary Tale," in the April-May 2013 edition of The Advocate. In it, he describes his experience working as an adjunct at a for-profit college which operates in a fashion similar to LSC. The article is available at our website, <aflonestar.org>, located under NEWS, then Archives of The Advocate.

Jeff Hirt's article revisits the college vs corporation question. What do you think?

Listen....to the Chancellor

How many times—in life or in the classroom—do we say or hear things like: “Pay attention!” “That was announced in class.” “You need to start listening.” “It takes skill to be a good listener.” “Being a good listener is an art.”

At a recent meeting of the Cy-Fair faculty, it was relayed/revealed that a large number of employees at different levels and different campuses were supposedly/ reportedly surprised by the Chancellor's recent “Campus #7” e-mail. If you listen to what he says when he addresses us “en masse,” the surprises will be markedly diminished.

For example, Dr. Steve Head came to CyFair in 2016 after Dr. Seelva Keshvala commenced her tenure as our President. In his classic style—standing beside the podium with his right elbow placed lightly on it—he referred to Dr. Keshvala as “a breath of fresh air.” Those of us that have been faculty members at Cy-Fair for a while should clearly comprehend his meaning.

Perhaps at the same time or possibly later, he broached a “2% raise” for the full-time faculty while addressing us. The next time I heard him refer to that subject was at the August, 2017 System-wide Convocation when he stated it in past tense, as in you’ll see it in your September 15th paycheck.

On October 17th, Dr. (Steve) Head again addressed us at CyFair from the Main Stage. I recall several statements by him, among them:

- He noted that most of the growth in our (College) district is between (SH) 249 and (Highway) 290.
- He seemed deeply and genuinely disturbed that, despite many efforts and initiatives, there remained a certain group/sector of our students that was not having a high degree of academic success and that said

underperformance (my choice of word), as compared to the student body as a whole, had been continuing for twenty plus years.

So, sixteen days later, when his e-mail “hit” my inbox with the subject “College #7,” I was expecting to read about something somewhere between 249 and 290. Then, after reading it, my reaction was that he’d basically told us that something had to be done to address this particular lack of academic success and that he was up to the challenge.

He also reiterated/surmised that our Student Success rate was around 75%, that about 60% of our students acquire their textbooks—whether bound, loose-leaf, or e-books—from Follett (campus bookstore), and, if 10-15% acquire their books from other sources, then the 25% getting Ds and Fs were very likely to be those that did not have access to a textbook. So don’t be surprised if one of the next initiatives from System aims/strives to equip 100% of our enrolled students with textbooks because he already shared his thoughts/thinking on that with us.

Lastly, when the task of turning three or four Centers without libraries, student recreational areas, and counseling/advising facilities into a Campus was mentioned, a common reaction from the faculty was “Why weren’t we consulted about this?” LSCS is neither a commune nor a kibbutz. I’ve asked more than a few colleagues point-blank whether LSCS is an educational facility or a business. The learned seem to favor the latter. A CEO rarely consults with the rank and file prior to expanding, contracting, or revising its business model/customer base/services. Why are some of us so naïve as to seemingly expect that? Listen.

Jeff Hirt
Professor of Business
LSC-CyFair

Tales from the Unionside

Nearly 40 years ago, Kevin Bailey, the first president of our union, posted notices proclaiming that “The Union Is Only a Phone Call Away” in all office suites at North Harris County College. At the time, the number of union members at the college could have fit into a phone booth. Bailey’s phone number appeared on the flyer, which was intended to tell members and prospective members that the AFT was there to help them with any job-related disputes with immediate supervisors and upper administration.



In my years with system, many of us on the Executive Board have handled matters both large and small for members at all campus locations. When a situation has taken on grave importance for a staff or faculty employee, union lawyers in Houston, Austin, and Washington D.C. have been there to provide legal assistance and court representation. Our record of success in supporting employees is not perfect, but the AFT has solved many work-related problems and saved some jobs through its informal and formal actions. Many of these successful outcomes have not been publicized in order to maintain levels of trust and confidence for members and administrators alike.

While “Tales from the Unionside” is generally directed toward political subjects, this column will focus on the legal work and actions taken by our union in the areas of civil rights and due process. The cases I will cite occurred at multiple campuses with most of the employees and administrators retired or no longer working in the LSC system. My decision not to “name names” is a way of respecting the privacy of individuals who are gone but not forgotten.

Long before there was Harvey Weinstein and before online classes on sexual harassment, this ugly issue surfaced on one LSC campus when a male supervisor engaged in inappropriate sexual talk and actions around his female employees. After the female union members contacted an Executive Board Officer, this situation was addressed directly. As the members were afraid to take the matter themselves to college administrators out of concerns about the “good old boys” network protecting one of its own, the AFT stepped in and negotiated a resolution acceptable to all parties. The administration allowed the male supervisor to resign from his position, and the successor chosen to replace him turned out to be a woman.

Some incidents over the years have not turned out well for union employees when they waited too long to let the AFT know about an adverse work environment. Timing is extremely important in labor issues, and policies, procedures, and the law are foreign subjects to most people. I am aware of cases where union members thought that, because of their reputations, personal friendships, and faith in God, things simply would work out in their favor. These cases generally ended poorly for the college employee. Do not think that your past performance and friendships on the job will save you. One member who

could not imagine his supervisor doing anything bad to him was wrong! In another case, a devout Christian put her trust in the Lord first to see her through work troubles, but those prayers were unanswered!

Has the union saved any members’ jobs? The record is mixed, but without the AFT, zero jobs would have been saved. During the 1980’s, a faculty member on a one-year contract during the authoritarian administration of W. W. Thorne was not renewed for another contract. The college was on the right side of the law, as no explanation

needs to be given for nonrenewal of single year agreements. However, it was clear to union officers that this decision had nothing to do with the instructor’s teaching performance, and everything to do with the employee’s political activities and union membership.

The AFT response to this legal but unjust action was to bring Channel 13 to the North Harris campus. TV news reporter Melanie Lawson covered the Board of Trustees meeting that had to be moved from a small boardroom to the Teaching Theater. An overflow crowd of the instructor’s students, supportive colleagues, and community friends came to protest the nonrenewal decision. In reporting the event, Lawson interviewed, on-the-air, union officers Kevin Bailey and Alan Hall, who questioned the administration’s politically-motivated decision. Despite her interview requests, no trustee or administrator would agree to appear on Channel 13.

While I have seen some past cruel treatment of employees that would make even Donald Trump cry, I believe the nastiest situation I have witnessed happened to a staff member who called me on the phone seeking immediate help. Administrators had engaged in the old ambush tactic where an employee is called into a meeting only to find out that he is facing a firing squad made up of supervisors and human resources personnel. This member was literally in the “kill” zone.

During the meeting, the employee was allowed to make a phone call, and he called me. The college’s deal consisted of two choices: resign today or be fired tomorrow. Knowing that the member’s financial situation was paycheck to paycheck, I asked him how he would support his family without an income or any immediate job prospects. He did not know. I told him that he might be qualified for Texas unemployment compensation, but this

The union is still..



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compensation does not go to a worker who resigns or quits a job.

There was some confusion about the unemployment compensation issue question at the resign-or-be-fired meeting, as the HR person there never gave the employee a straight answer. During my phone conversation with our member, I asked him to put the HR representative on the line. My simple question to the representative was this: “Can an employee collect unemployment compensation if he voluntarily chooses to leave a job?” The answer I got over the phone was, “I don’t know.” This answer is the equivalent of an English teacher saying that he does not know the parts of a sentence.

My advice to our member was not to resign; I was worried that by resigning he would be forfeiting his right to unemployment pay and future legal action. This member did collect unemployment, but not without a fight from the college. When the person’s claim was sent to the district office, the administration tried to block his claim, resulting in a Texas Employment Commission investigation which ruled in favor of the “fired” employee and against the college.

Once this issue was settled, our lawyers went to work on the case and uncovered a great deal of evidence favorable to the employee and unfavorable to his immediate supervisors. The firing decision would eventually be overturned, with the member reinstated to his former position and lost pay restored. This case was a victory for an individual wronged by several meritless administrative decisions, and a win for union lawyers skilled in Texas education and labor law.

The Bailey message of 40 years ago holds as true today as it did back then. We all want to believe that we are dealing with reasonable and fair-minded supervisors. Sometimes we are, but there have been days during the Bill Thorne and Richard Carpenter years when administrative dictators ruled the system. I expect that the Thorne and Carpenter clones are out there today and may soon be coming to a campus near you. Be smart and think about all of the personal, professional, political, and legal benefits that the American Federation of Teachers offers to those of us who are members. Help yourself, join us, and slay the clones!

Bob Locander
Professor of Political Science
LSC-North Harris

Editor’s Note: Locander is a regular political columnist for The Advocate.

Check out some of our AFT PLUS Discounts!



The AFT and DinnerTime have partnered to make it more fun and less stressful for you to get a

delicious, healthy dinner on the table—and save on groceries, too! **You’ll save time and money. We’ll plan meals you will love. Life will be so much easier.** As a DinnerTime member, you’ll get customized meal plans with nutritious entrees and side dishes based on your unique preferences—automatically using ingredients on sale at your local grocery store.



The AFT and Rosetta Stone are partnering to offer Rosetta Stone’s award winning language learning programs to AFT members at very special pricing. Members can choose one of 30 languages with two learning formats: regular Rosetta Stone with

access to all available levels of one language; or Rosetta Stone Pro, with additional access to live tutoring sessions with native-language speakers, games and activities and more.

Emergency Assistance Plus provides valuable and reassuring medical assistance if you get sick or hurt while traveling in the U.S. or abroad, including medical evacuation, medical assistance, assistance for companions or pets, auto retrieval and travel assistance.

Available to AFT members and their families, Emergency Assistance Plus offers a 24-hour year-round toll-free number to call for help when it’s needed most, no matter where in the world you are. There is a risk-free, 30-day no-obligation trial.





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Participants in the Union Plus Motor Club can get help with vehicle-related problems, anywhere in the country, with emergency roadside assistance 24/7/365. And it costs less than other auto clubs.



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If you are interested in membership, benefits, or would like to discuss a work-related issue, our AFT Faculty and Staff Vice-Presidents are here to assist. Please don't hesitate to contact them. See the back page of this publication for contact information.



AFT-Lone Star College

AFT Local Union # 4518

GOALS

- To promote academic excellence
- To protect academic freedom in higher education
- To preserve and protect the integrity and unique identity of each of the institutions of higher education in Texas
- To protect the dignity and rights of faculty against discrimination
- To ensure that faculty have an effective voice on all matters pertaining to their welfare
- To secure for all members the rights to which they are entitled
- To raise the standards of the profession by establishing professional working conditions
- To encourage democratization of higher education
- To promote the welfare of the citizens of Texas by providing better educational opportunities for all
- To initiate and support state legislation which will benefit the students and faculty of Texas
- To promote and assist the formation and growth of Texas United Faculty chapters throughout Texas
- To maintain and promote the aims of the American Federation of Teachers and other affiliated labor bodies

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BENEFITS

- \$8,000,000 Occupational Liability Insurance
 - provides security while teaching
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 - malpractice protection
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 - Services of leading labor attorneys
 - Legal Defense Fund protection
- Political Power
 - Texas AFT lobbyists in Austin
 - AFT lobbyists in Washington
 - Representation at the Coordinating Board
 - Support for local electoral work
- Affiliations
 - Affiliated with the Texas AFL-CIO
 - Affiliated with the American Federation of Teachers and Texas AFT
- Staff Services
 - Professional representatives to assist and advise in processing grievances
 - AFT research facilities
 - Leadership Training
- Savings and discounts on goods and services with AFT PLUS Benefits
- Free \$5,000 term life insurance policy for first year of membership

Monthly AFT Dues

Full-time Faculty	\$40.00
Full-time Professional Staff	\$28.60
Full-time Support Staff	\$25.88
Adjunct Faculty	\$16.00
Part-time Staff	\$14.00

Membership Eligibility

Membership in the American Federation of Teachers (AFT) is open to full and part-time faculty and staff up through the dean level. If you would like to join or find out more information about membership, please contact any of the officers listed on page 20 of this newsletter, or check out our online information and application at:

www.aftlonestar.org



American Federation of Teachers Lone Star College



Directions: How to Join the AFT

AFT-Lone Star has a new online form that makes it easy for new members to join or for current members to switch to our new system.

Here's the best way to sign up:

1. Go to <https://join.aft.org>. From the pull-down menu in the box under "FIND A LOCAL," choose "Texas." Click "search" and then scroll down to find "AFT Lone Star College, Local 4518."
2. Fill out the form that appears; you're asked to provide your name, address and so on. Toward the bottom of the page, a question asks, "Are you an AFT member transitioning from payroll deduction e-bank transfer system?" Check "yes" if you have previously been a member and are transitioning to the new payment system.
3. You're then asked to identify your membership category: Full-time faculty, Full-time professional staff, etc.
4. You're then asked to provide your bank name, routing number and account number, check boxes authorizing the semi-monthly deductions for dues, and type your name. Then, press "SUBMIT." YOU'RE DONE! (in minutes!)

Note:

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Call for Articles

We invite all employees to send us their opinions, news, questions, and so forth. *The Advocate* is a forum for information and free interchange of ideas. Send your ideas. Send your articles to **Katie Hurter, Editor** via e-mail: katie.hurter@lonestar.edu, or submit to any of the following officers.

Alan Hall, President	North Harris	ACAD 217-G	281-618-5544
Stephen King	North Harris	ACAD 162-H	281-618-5530
Chris Phlegar	North Harris	ACAD 270-H	281-618-5583
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Catherine Olson	Tomball	S 153 -H	281-357-3776
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Janet Moore	Tomball	E 210 -E	281-401-1871
Van Piercy	Tomball	S 153-J	281-401-1814
Martina Kusi-Mensah	Montgomery	G 121-J	936-273-7276
Louise Casey-Clukey	Montgomery	B 100-G	936-273-7394
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Cindy Hoffart-Watson	Cy-Fair	LRNC 101-C	281-290-3265
Earl Brewer	Fairbanks	S - 13	832-782-5029

The union encourages employees to join because they believe that college employees should have a voice in their professional lives. We don't encourage employees to join because they anticipate conflict or are already engaged in a conflict. In fact, if they are already embroiled in a situation, we are unable to help them. It is all too common for someone to approach the AFT and say something like, "I've been an employee for the district for several years, and I've just recognized the importance of joining." Typically, following that comment is, "I'm in trouble and need help." I finally lost track of how many times in the last year I've had to say, "I'm sorry, but member benefits don't cover anything that pre-dates membership." The individuals to whom I had to give this message were invited to join and provided some advice on how to proceed with their situation, but assistance

ended there. Were they members, a host of benefits would have been available.

The AFT provides its members with advice and guidance as well as representation in conflict resolution and grievances. We have our own local attorney and can seek legal advice and counsel for members. We maintain a local legal defense fund. In addition, membership dues include, at no extra charge, \$8 million in professional liability insurance for claims arising out of professional activities.

Most of our members don't join because they believe that they may need the AFT's help in a conflict. They join because they believe in the values of the AFT— that employees should be treated with dignity and respect, that employees should help each other, that employees should have a voice

in their professional lives, that employees deserve fair pay and good working conditions, and that the district needs a system providing checks and balances. They join because they want to support an organization that helps others in so many ways. A nice benefit is that, if they do need help, AFT is there for them.

If you believe in these values and are not a member, now is the perfect time to join. If you believe in our values, take action now and join the AFT.

—Alan Hall

