

THE REPORTER

Published by the NHCC United Faculty/AFT, Local 4033

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The Reporter is designed to provide periodic information on Guild activities.

THE NHCC-UF LAWSUIT

In March, 1981, the NHCC United Faculty filed a federal lawsuit against Bill Thorne and the Trustees of the College. The suit included a claim for damages as well as a permanent injunction to stop actions by the College against the union and its members. The lawsuit is based upon violations of First Amendment rights of the local membership to associate freely, which have been denied by acts of direct and indirect coercion.

The union maintains that the Board and administration have embarked upon a campaign designed to thwart the efforts of the NHCC-UF and to frighten the faculty so they will not join the union. Mr. Thorne and Board member Hoffman traveled to Florida to a "union-busting" school, and imported a notorious "union-buster", all subsidized with dollars from the district's taxpayers. The main points in our lawsuit are as follows:

(1) In July, 1980, the Board passed an anti-union policy designed to frighten and intimidate the faculty. This action was followed by a letter from Mr. Thorne to each faculty member expressing his desire, as President of the College, that we not join a union. Then in March, 1981, the Board adopted another anti-union policy to be a part of the official policies of the College, which expressed the Board's desire that faculty not join a union. This latter policy was sent to all faculty members along with their new contracts. The union believes that these actions violate our constitutionally protected right to join any organization, free from threats, harassment, intimidation, or coercion.

b. (2) The NHCC-UF has been denied on-campus meetings, including a forum with state representative Gene Green. These denials violate our right to use public property and result in unequal treatment, as other organizations are allowed the free use of college property.

(3) The NHCC-UF leadership is not allowed professional leave or expenses for organizational meetings and academic workshops. Yet, TJCTA and Faculty Senate leaders are allowed such leave, even to go to anti-union meetings. This unequal treatment violates union members rights and singles out the NHCC-UF as some kind of "outlaw" group.

(4) Membership in TJCTA and the Faculty Senate is officially encouraged and promoted by the administration and Board at division meetings, by solicitation, adverse comparison, and the circulation of anti-union petitions. These actions violate the union's right of free association by discouraging faculty members from joining the union.

(5) The campus newspaper advisor has been told not to print articles on the union and not to accept union sponsored advertising, while accepting advertising from other businesses. This unequal treatment violates the First Amendment, as well as numerous federal court rulings.

(6) Board of Trustees member L. B. York directly threatened and intimidated union member Carolyn Davis, during the 1981 Board election.

(7) Union representatives have continually been denied an opportunity to speak before the Board. Yet, other non-union individuals are allowed to address that body. There is not another school or college board in Texas denying teacher organization's rights to appear before that public body, because this is a direct violation of numerous federal court rulings.

(8) Union president Kevin Bailey was told that he cannot speak about the union while on campus and cannot talk to faculty members, in their offices, about the union. Nor can he read union material

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while on the campus. Bailey was threatened with "disciplinary action" if he violated this edict, and had a negative letter to this effect placed in his personnel file. These actions represent a most serious violation of free speech and reminds one of what happens to people in places like Poland, but isn't supposed to happen in the United States.

In June and July of 1981, six days of hearings were held, in federal court, in a preliminary hearing. Judge Woodrow Seals declined to issue a preliminary injunction against the College, hoping that these problems could be resolved. However, he also concluded that NHCC faculty members had been intimidated and are afraid.

The NHCC-UF has continually attempted to reach a fair and just out-of-court settlement to resolve these issues. We believe that two reasonable parties can solve serious problems if both are willing to compromise. However, College officials have refused any settlement and instead wish to employ scare tactics and waste taxpayer dollars in the process. We are about to go back into court. It appears that a trial will be necessary. We will keep the faculty informed of the events and the outcome.