

THE REPORTER

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

CASE GOES TO COURT

ADMINISTRATION REFUSES TO SETTLE

In March, 1981, the NHCC-United Faculty/AFT filed a lawsuit, in federal court, against the College president W. W. Thorne and the Board of Trustees. The suit charged that faculty member's First Amendment rights were violated when they were threatened, intimidated, and coerced not to join the AFT. Since that time the administration has embraced the Faculty Senate as an organization they want faculty to participate in, and have continued to discriminate against the union. After six days of hearings in federal court, during the summer of 1981, Judge Woodrow Seals found that faculty members had been intimidated. Now, because the College has refused every settlement offer the union has proposed, we are forced to go into court. What follows is an article, written by one of our original union members on campus, outlining the union's attempt to settle the case. The author prefers to remain anonymous for fear of retaliation.

In the spring of 1981, the NHCC-UF/AFT offered to sit down with College officials and their attorney and attempt to resolve certain constitutional violations occurring at the College. Officials of the College flatly refused. On June 10, 1981 the union submitted it's first settlement offer, after the lawsuit had been filed. This offer was also rejected by College officials. Instead, the College attorney responded with a counteroffer to include a fifth step in the grievance procedure. This final step would allow a faculty member to appeal directly to the Board in any grievance. Texas state law already allows for this fifth step appeal, so this was no real "counteroffer" at all. On October 16, 1982, the NHCC-UF/AFT again submitted a settlement offer. In the spirit of compromise, several of the "controversial" were dropped, such as dues check-off, etc. The College countered with absolutely no reply. On November 15, 1982, union leaders and College officials met in Judge Seals chambers where the College's attorney again restated their first "offer" and added a new settlement provision stating, "They would agree not to interfere in the faculty's right to join a union or hold union membership against a faculty member in their employment, if the union members do not interfere with other faculty rights." The NHCC-UF/AFT tried to clarify just what this offer meant, but no further clarification was forthcoming.

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Just what kind of settlement offer has the union requested? Why does the College feel they cannot accept this offer and settle this issue once and for all?

Here is a list of the settlement offer by priority:
First, however, is a copy of the First Amendment of the U. S. Constitution:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Judge Seals made it perfectly clear that in the instance of North Harris County College, the Board and Administration is the government and the faculty are the people.

The settlement offer:

1. Equal Organizational Treatment for All Faculty Organizations:
 - A. Allow professional leave for all organizations: AFT, TJCTA, AAUP, Faculty Senate.
 - B. Allow consultation with the administration with all faculty organizations: AFT, TJCTA, AAUP, Senate.
 - C. Allow all faculty organization's representatives to speak at division meetings: AFT, TJCTA, AAUP, Senate.
 - D. Allow all faculty organizations to host meetings with officials on campus: AFT, TJCTA, AAUP, Senate.

(FREEDOM OF SPEECH AND FREEDOM TO ASSEMBLE)

C.

2. Remove the anti-union policy, adopted by the Board, from contracts, policy book, etc. and draft a letter to the faculty telling them they have the right to join or not to join any faculty organization (AFT, AAUP, TJCTA); there will be no interference with our right to join; and any decision to join an organization will not be held against one in their employment, regardless of which organization they join. (To counter Thorne letter).
3. Allow all faculty organizations to address the Board: AFT, AAUP, TJCTA, Senate. (FREEDOM TO PETITION GOVERNMENT, SPEECH ASSEMBLE).
4. Mr. York apologize to Carolyn Davis (FREEDOM OF SPEECH, ASSEMBLE).
5. Allow all faculty organizations to advertise in the school newspaper, as businesses are doing (FREEDOM OF THE PRESS).
6. Withdraw letter in Kevin Bailey's file directing him not to talk about the AFT on campus to other faculty members in their "work stations" or he would be disciplined. (FREEDOM OF SPEECH).

This is all the union has asked for. Nothing more than the U. S. Constitution provides for, a document that other colleges and school districts recognized. Recently, the Boards at Lee College and Texarkana ISD, after months of refusing to allow AFT representatives to address the Board, recognized the law and allowed the union to appear before them. Yet at NHCC the Board and administration refuses to recognize our rights. They instead insist upon an expensive trial, using taxpayer money to finance it. All we ask is for the observance of the First Amendment. Who do you think is right?