

NHCC United Faculty

April 1986

Tenure and the Mayberry Case

by Kevin Bailey

This spring the administration at NHCC has launched an unprecedented attack on tenure. For the first time in the history of the College, a tenured instructor, Bliss Mayberry of Cosmetology, has been demoted from a tenured contract to a one-year probationary term. The "disciplinary action," as Dr. Airola calls it, resulted from a recommendation from Mayberry's supervisor, Carol Singer, and Dean of Instruction Joe McMillian. Two issues need to be addressed: the particulars of the Mayberry case and the status of tenure at NHCC. In this article I will focus on the specific case at hand. In our next newsletter I will examine the status of tenure.

Bliss Mayberry has been at NHCC for about eight years. Her personnel file indicates exemplary performance with above average evaluations for the entire period. There is no official evaluation documenting any problem with her job performance for the whole period of her employment at the College. In fact there are many letters and memos praising her performance, including one from Dr. McMillian as late as December 1984.

Last September the Cosmetology program was placed under a new division head, Carol Singer. By December, Singer and McMillian had decided to recommend that Mayberry not be granted another two-year tenured contract. This was done before any formal evaluation of Mayberry's performance took place. Then in January Mayberry was informed in writing of this decision in a memo from her division head in which Singer questions Mayberry's "knowledge, performance, attitude, and ability" on the job. What prompted the administration to take such action?

b. In hearings held by the Faculty Senate Rights and Responsibilities Committee, of which I am a member, McMillian stated that the Cosmetology program at NHCC was not organized efficiently or run very well. Yet he admitted that he has never looked at another college-level cosmetology program to see how they are usually operated. Singer admitted that she had not formally evaluated Mayberry and that she was unaware that the policy of the Board requires that this be done by March 1 of each year. When asked about Mayberry's clean personnel file, Singer stated that she had her own file. Mayberry, it turned out, was totally unaware of the existence of this "secret file" and knew nothing about what was contained in it. Singer indicated that she had received calls from area employers complaining about NHCC cosmetology graduates who were not performing well on the job. When asked for a specific number of calls, Singer said that she had received one. Finally, Mayberry's students have a 91% pass rate on the Texas State Examination (the third highest in the state), yet Singer casually dismissed this as irrelevant, saying that the results of the exam do not indicate teaching effectiveness.

So we have the case of a faculty member with no negative evaluations who was not evaluated properly for 1985-86. There are no negative student evaluations, one complaint by a person employing a former student, and a 91% pass rate on the state exam. Where is there an indication of a problem?

C.

Mayberry has filed a grievance over the matter, and she has received union representation and counsel. The Faculty Senate Rights and Responsibilities Committee and the Executive Committee of the Faculty Senate have voted unanimously to support Mayberry because of the failure of the administrators to prove their case. Thus far, Dean McMillian and President Phillips have ruled against Bliss Mayberry. Dr. Airola must next issue a ruling, and then perhaps there will be a Board hearing. We can only hope that Mayberry is not dealing with a stacked deck and that the Board will objectively examine the record in this case. Unfortunately, in a previous grievance, Board member Floyd Hoffman concluded that "the Board has an obligation to support the administration."

### Reflections on the Passing Away of Policy 341

by Bob Locander

At its November meeting, the NHCC Board of Trustees abolished Board Policy 341 which read in part, "... that the goals of North Harris County College District will not be advanced by any outside organization purporting to seek improved salaries, benefits, or working conditions through the use of confrontational tactics." As was noted in the "Boardroom Recap" sent out to faculty and staff, this policy and an earlier version had a long history and were a part of the AFT/TUF lawsuit against former President W.W. Thorne and selected college trustees.

The earlier version of 341 reflected directly the anti-unionism of the Board of Trustees in the early 1980s. A section of this policy stated, "The goal of North Harris County College cannot be advanced by a union. In fact, unionism in other states had led to serious disturbances, work stoppages, and strikes-- all real threats to our employees' job security."

d. The irony of abolishing 341 at this time is that the Board's decision came just after the termination of the Union's lawsuit in which federal judges supported the trustees in their claims of not having violated the First Amendment rights of the Union or instructors at North Harris County College. The 341 decision was a voluntary action and a definite signal of the Board's interest to move beyond the union/anti-union or us/them mind set of the Bill Thorne era.

It is my hope that both board members and union members have advanced to the point where issues will be considered on their merits and positions not taken simply over the sponsorship of the idea. Both the Board and the Union have made positive contributions to the College. As much as I have been on the opposite side of issues from Mr. Thorne in the past, I still recognize and appreciate that there would have been no NHCC without his near singular effort during the 1960s and 1970s.

In the future the Board and the Union have important functions to perform for the good of the institution. Difficult fiscal questions will be facing college trustees in the next ten years. The policy lines of construction and instruction that paralleled each other for years have begun to crisscross. While political leaders must make choices between guns and butter, our trustees will have to decide for buildings or books in the years ahead. For the Union, the future offers us challenges as well. Our past role as a watchdog or counterweight must be expanded into a constructive advocate for educational reform in the areas of curriculum, faculty and student accountability, and college governance. In facing these formidable tasks, let the Board and the Union move forward with the specter of 341 buried forever.