



THE ADVOCATE



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Employee Federation of NHMCCD

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IT'S TIME FOR ANOTHER SOLIDARITY MOVEMENT!

As most in NHMCCD are now painfully aware, the Internet Access Task Force recently delivered to the chancellor a document containing numerous recommendations of questionable merit, the most questionable and obnoxious ones calling for the selective "filtering" (censorship) of NHMCCD library computers.

My initial response will be to cite the results of the October 6 NHC Library Commission meeting, which I attended as my division's (SBS) representative. Naturally, the Task Force recommendations were the subject of extended and animated discussion! We agreed, by the unanimous consent of the faculty representatives present and voting, and with the encouragement and full support of the professional library staff present, to oppose vigorously ALL of the Task Force recommendations. A Library Commission proposal to that effect—to be sent to NHC President Sam and through him to the Chancellor—will be drafted, to include the following points:

(1) The recommendations violate the First Amendment which guarantees freedom of speech.

(2) The recommendations do not support SACS recommendations for education programs which state that "Effectiveness in all educational programs, delivery systems, and support structures should be the primary goal of every institution. An effective institution of higher education demonstrates attention to curricular consistencies, pedagogical competence, student accomplishment, INTELLECTUAL INQUISITIVENESS,

personal and professional development, ETHICAL CONSCIOUSNESS, ACADEMIC FREEDOM, faculty support, and an ENVIRONMENT CONDUCIVE TO LEARNING."

(3) Implementation of the recommendations would have a negative impact on the reputation of the college, possibly affecting enrollment.

(4) Campus and library policies already deal with the issue of minors and campus computer use, and the few instances of inappropriate use of computers can be dealt with on an individual basis.

(5) The Task Force recommendations are difficult to impossible to enforce.

(6) Wording of the recommendations, particularly use of the phrase "questionable material" is ambiguous and not appropriate when applied to research on the college level.

Quite clearly, the NHC Library commission shares my personal fears that the Task Force recommendations are not actually limited in scope and do not satisfy practical, academic, and especially, constitutional standards.

In addressing the constitutional issue, I must grant the merit of an E-mail comment made to me by KC government professor Scott Nelson, the only faculty member on the Task Force: "Censorship for minors is well established in statutory and case law." However, few USSC rulings have directly concerned the issue of juvenile access to so-called "pornography" or

"obscenity"—two words conspicuously absent from the entire Task Force recommendation list and the Chancellor's September 28 district-wide memo announcing that list. Now we apparently have two operative USSC decisions in this regard, namely, the internet case, RENO V. ACLU (1997), and the cable television case, UNITED STATES V. PLAYBOY ENTERTAINMENT GROUP, INC. (2000), which bring into the modern setting the time-honored Court judgment that content-based censorship, even with the admirable purpose to protect children, is to be held to the strictest constitutional scrutiny and therefore is commonly assumed (and so ruled in the two aforementioned cases) to be UNCONSTITUTIONAL. (Gee, could this be why, according to the Task Force Report, "Four-year Texas public universities do not employ filters"?)

The RENO case seems particularly instructive for us because it involved the USSC striking down, by a 9-0 vote, Section 223 (AKA the Communications Decency Act or Amendment) of the 1994 Telecommunications Reform Act for using the same sort of overly broad and vague wording contained in the Task Force recommendations. In the recommendations (again, remember, totally devoid of the words "pornography" and "obscenity" or any derivative thereof), we find the elusive adjectives "questionable" five times; "inappropriate" twice; and "offensive" and "objectionable" once each. We do find the phrases "illegal sites" once and "sexually explicit" twice. "Illegal sites" is an irrelevant reference, as

something already illegal cannot be made more so by any task force! And, according to UH law professor Sidney Buchanan, "material labeled 'sexually explicit' falls short of reaching the definition of obscenity and is protected by the constitution."

When one adds to the constitutional problem the practical problem that no computer filter ever invented can block anything vaguely identified as "questionable," "inappropriate," etc. the need for more explicit defining of terms becomes crystal clear. And who, pray tell, would love to shoulder—and quite conceivably could be given—this awesome responsibility? Mr. Bill Elmer, Mr. Jim Pratt, and other members of ADHOC (Adults Helping Our Children) the ones who provoked "filtering" (censorship) of Montgomery County Library computers and who have publicly and repeatedly announced an intention to see ALL computers throughout NHMCCD "filtered" (censored)? Would this not be akin to asking the fox to guard the hen house?

In any case, the Task Force recommendations, if adopted, would leave NHMCCD vulnerable to a constitutional lawsuit. And there WILL be one! Consider this recent news report: "Montgomery County will soon have to answer to the threat of a lawsuit that claims Internet filters installed on county library computers are unconstitutional." I choose also to heed NHC government professor James Puetz's warnings of further lawsuits against NHMCCD—both on the part of those who would think the Task Force recommendations inadequately enforced (or not enforced at all) and on the part of those actually accused of violations!

Win or lose, such lawsuits will cost NHMCCD a fortune. Could not our limited resources be better spent on fulfilling our stated educational mission rather than squandered defending censorship activities that are of dubious legal standing and that address a problem which, by the wording of the Task Force document itself ("Although this has not happened to a minor. . .") is NON-EXISTENT? Of course, forcing lawsuits on ourselves could allow NHMCCD join ADHOC in "thumbling our nose" at the USSC.

In brief, free speech, academic freedom, intellectual inquiry, educational integrity - ALL - are in BIG TROUBLE, right here in NHMCCD where such precepts ought to be sacrosanct. And do not imagine for a moment that the threat will simply go away. As several of my NHC colleagues have noted, partial success only "emboldens" the ayatollahs of censorship. Enter ADHOC's Bill Elmer on cue: "We don't have to accomplish the total objective (filtering computers throughout NHMCCD) at the outset. We'll stay in touch in a non-obtrusive way (!) to see how this (limited) level of filtering is going." Also consider this press report out of Michigan, indicating that Republican presidential candidate George W. Bush "said he wants to require public libraries and schools that receive federal money to put FILTERS on their Internet computers to make sure that filth and violence don't come across the public Internet."

This predictable mixture of the "filtering" (censorship) issue into presidential politics only further confirms for me the unmistakable scent of a "red herring" (and perhaps one of those subliminal "rats"). We all know what is REALLY afoot here; this "filtering" (censorship) business is only another diversionary skirmish, thinly veiled at that, in the on-going KULTURKAMPF, a national religious-cultural war foisted on us by an extremist minority, which is not only radical but, most dangerous to us in postsecondary education, anti-intellectual. The local feature in this case just happens to be the effort to enlist NHMCCD personnel as front-line storm-troopers to "filter out" (prohibit) ALL access - anywhere, anytime, by anybody - to so-called "pornography" because of its alleged (but unproven and unprovable) deleterious effects. Of course, one finds no such purpose, stated or inferred, in any NHMCCD mission statements, but one does instead find (for example in the 2000-2001 NHMCCD Catalog) a commitment to "QUALITY EDUCATION opportunities for the successful development of KNOWLEDGE, SKILLS, and ATTITUDES for a RAPIDLY CHANGING WORLD". How and why things have come this far in NHMCCD is anybody's guess. I personally do not doubt that good intentions abound. But simply having good intentions is simply not good enough, particularly when those intentions have the strong

potential to turn a new frontier into a new dark age.

But in the darkness, light - or, as Mike Godwin, attorney and passionate defender of "cyber rights", puts it, "...the one voice of freedom, the voice that says, over and over, in the face of every attempt to impose TYRANNY and to spread FEAR of technology and of the future, that freedom of expression remains for each of us a fundamental right. The one voice that says whether it's my freedom of speech or yours, when we are told that freedom is too dangerous to allow, we will always respond, 'NO! NOT NOW! NOT EVER!' Long live the Net, long live the First Amendment, and long live freedom of speech!"

Folks, it's up to us. If we do not act in defense of those educational/intellectual ideals which bind us together, despite our outward diversity, then we will have acquiesced in and thus will deserve to suffer from the embarrassment and marginalization of NHMCCD which must inevitably follow the adoption of the Task Force recommendations. I have faith, however, that the NHMCCD Employee Federation and the NHC Library Commission will soon be joined by the Faculty Senates, professional staff organizations, and IMT's from ALL campuses and centers in a united voice of opposition.

We may very well (as usual?) be unsuccessful. ADHOC's Bill Elmer, in publicly congratulating the college district for agreeing "to implement the filters," certainly seems to think it's a "done deal." So the Chancellor and Board could approve the Task Force recommendations anyway. BUT WE DO NOT HAVE TO MAKE IT EASY FOR THEM! Let them know that if they approve the recommendations, they do so in the face of our determined SOLIDARITY. This SHOULD BE one of our defining moments; the community college and the college community both deserve no less. Solidarity now - solidarity forever!

**Allen Vogt
NHC**

The following email, written by Scott Nelson, Kingwood Political Science Professor and the only faculty member on the Internet Filtering Task Force, is a response to Allen Vogt's emails to the Library

Commission and the Chancellor opposing internet filtering.

Allen:

Your comments deserve a response from the only faculty member on the Task Force. Obviously, I see things differently. Feel free to forward my thoughts to anyone you like. As I understand the letter and spirit of the recommendations:

(1) No adult is subject to any "filtering" at all, even non-students from the community.

(2) No student who is a minor will have any access blocked unless his/her instructor approves. In other words, a teacher who wants ALL his/her students who are minors to have full access can do so by notifying the librarian. The filters we saw demonstrated block sites, not any particular words or graphic image. Furthermore, the list (or type) of sites is determined by college personnel. (We didn't get into this, but I can see librarians collectively making this decision, as they do already on what materials to purchase. Today, Hustler magazine is presumably "filtered" out by librarians while, say, William and Mary Quarterly may not be. Such decisions are based not on size of readership, but professional judgment.)

(3) No minor will have access blocked if a parent approves open access.

(4) Censorship for minors is well established in statutory and case law. Personally, I see this as an important line to establish early in any First Amendment discussion.

(5) As for implementation, complexity, new hires, etc., I see things exactly the opposite as you. With a handful of machines that can be "turned on" for children by library personnel, it liberates staff from being the "sex police" for children. Librarians should not have to be babysitters. Also, identification and age validation should be easier when we get universal log-on soon as well. It will not be perfect.

(6) The Houston Public Library has a "room" for children's internet use. (Incidentally I also saw one this summer in the New York Public Library. The NYU Library wouldn't even let me in because I'm not a

student.) Furthermore, many universities currently "filter" content (they are mainly concerned about Napster, I guess). My daughter in the dorm at UNT signed a form that threatened her with expulsion if internet privileges are "abused."

Allen, your comments could have been written by me several months ago. Please understand that I tried at all times to be driven by facts, evidence, and common sense, with full respect for First Amendment freedoms. I think we can keep internet access open to all adults with some modest adjustments for children.

Scott Nelson
KC

Evaluation Proposal

After months of meetings, revision, and campus meetings to gather feedback, the Evaluation Taskforce has provided NHMCCD faculty with the final draft of the proposed new faculty evaluation system. To determine the perceptions of AFT faculty members, the union leadership distributed a questionnaire to them, asking members to list strengths and weaknesses and to express confidence or no confidence in the proposal as it now stands. The respondents overwhelmingly voted no confidence. Fortunately, the taskforce is taking another look at the document with consideration of additional changes.

Following is a summary of some of the strengths and weaknesses noted.

Strengths

- Well intentioned.
- Faculty may be helped by more student feedback
- Creates more consistent communication between associate dean and faculty
- Places content of evaluation in faculty's hands
- Allows option of short and sweet versus portfolio
- Provides closer observation of new faculty

- Provides support system for new faculty

Weaknesses

- Far too long and complicated, overkill
- Tone is skewed toward control instead of information for improvement
- No significant differentiation between new and long-term faculty
- Too vague in many places
- Evaluating every class every semester onerous, more overkill
- Frequency of student evaluation creates more paperwork for everyone
- Student assessment of his own responsibility is factored in the faculty's evaluation. No one is "always" available to meet students
- No clear assurance that faculty in the same disciplines on different campuses will be evaluated on a consistent basis
- Includes "educratic" buzz-words like "learning styles", "new delivery systems" and "learning facilitation"
- I am a teacher, not a "learning facilitator"—sometimes the original word is better than any synonym, even one torn from an education textbook
- Virtually imposes "new delivery systems" on faculty, reducing personal classroom autonomy and academic freedom
- Language requiring "evidence" and "documented proof" is insulting
- Places enormous burden on associate deans

The AFT is aware that other suggestions have been made to the

taskforce and that the group is meeting to consider additional changes. Let us hope that they will take seriously the recommendations.

Staff

Retirement Issues

At the fall meeting at M.O. Campbell, Dr. Pickelman announced an incentive program for early retirement for employees, and the Board of Trustees approved such a plan at their September 26th meeting. The excitement among some of our more seasoned employees was obvious. Since the announcement, some folks have taken a step back to review the details and have asked the union for some guidance on whether the incentive is a good idea for them. I have taken a look at the program and found the answer to be yes and no.

The incentive, which will range from 50% to 115% of an employee's base salary, is a fine program for employees who have already made a decision to retire, who have analyzed their retirement benefits and feel that they can live off their retirement. In fact, a few employees have told me that they had already done so and were currently making retirement plans for this year or next before the incentive announcement. This incentive window gives them the opportunity to exit with an unexpected windfall. The purpose of the retirement incentive is to encourage employees at the highest salary ranges to retire, thereby saving the district money. In fact, the opposite may occur. Employees who were already planning to retire this year or next will now exit with some extra cash in their pocket. Luck is on the side of these folks, and we congratulate them. However, the college will end up paying an incentive to some folks who were going to retire anyway, not exactly a cost saving move.

If you were not already planning to retire, the retirement incentive is really not that much of an incentive at all. I have visited with a number of people with backgrounds in this area who say that an individual in ORP really needs one million dollars in a retirement account paying 10% to be able to retire earning \$70,000 annually without having to touch the principle. ORP employees with less than that amount

in their retirement should take a long, careful look at the incentive. Employees in TRS need to consult with TRS to determine what their projected pay out will be and decide if they can live on it. Collecting a one time 50-115% of your salary may look attractive, but that range is only from half to a little over one year's salary. If you have a half a million in ORP or cannot live on the TRS pay out, when the one time incentive is gone, how will you manage? Unless you find a way to supplement your retirement, you will not be able to live on your retirement income.

Our best advice is to seek financial counsel from your retirement advisor before you leap into accepting the incentive. This is too important a decision to make without adequate information. It may be great for you, or it may be your ruin.

Alan Hall

Employee Assistance Program

The union encourages college employees to take advantage of this excellent benefit. The EAP brochure states that the program "provides confidential professional assistance to help our employees and members of their households resolve problems that affect their personal lives or job performance." Help is available for "marital and family difficulties, adolescent problems, depression, legal concerns, financial problems, and drug or alcohol related problems." Assessment and referral sessions are free. If you have any questions, contact the benefits coordinator at your location.

Staff

Rebuttal to part of Tim's "Cheese" article in the Advocate.

In the September 2000 edition of the *Advocate*, Tim Howard claims that section management and a guaranteed schedule are "conflicting goals." He calls for the administration

to lead us in one direction or the other because "we cannot do both at the same time."

Evidently Mr. Howard has not looked at the Montgomery College data on this question. MC offered its first guaranteed annual schedule in the 1998-99 academic year primarily to serve students who make such fragile arrangements with employers and childcare providers that cancelled classes spell "no college." Additionally, the guaranteed annual schedule offers the college administration an unparalleled budget management instrument, enabling us to predict our instructional costs with great precision.

The chart below shows the average number of students per section for each of our four academic divisions during 1999-2000, the second year of our guaranteed schedule.

Division

	Fall 99	Sp 00	Summer 00
Business, Computers, & Foreign Language	18	17	16
Math, Arts, Comm., & Ed.	19	18	10
Science, Health, & Wellness	25	20	21
Social Sc. & Public Service	26	27	27
All Divisions	21	20	16

Our overall average number of students per section for the whole year is 20, which I consider quite commendable.

Olin Joynton
MC

REBUTTING THE REBUTTAL

So, how would this work at Parkway and Carver?

Parkway and Carver make with 5 students each instead of being killed.

NHC averages 20 overall when Parkway and Carver are killed, less when they are not killed. Thus the overall average goes down.

Right? Right?

Currently, we kill classes here that have less than 10 students. If we quit doing that, and let them make, the average class size would go down, wouldn't it? I'm not a math major, but, wouldn't it?

The only reason you guys can pull this off is because of your increasing enrollments. We have to plan for decline here, every semester, every year. You are a growing campus. Can't you see, it's EASY to do what you do. It's like cutting taxes and increasing spending at the same time and balancing the budget, you can do it if you are running a surplus anyway. You cannot do it if you are running a deficit. You have a surplus of students. We do not.

How about rebutting my assertion that instructor salaries, as % of the personnel budget, are smaller now than 10 years ago? That the increase in staff and administration has come at the EXPENSE of instruction, and yet the FIRST area they look to cut is instruction? Does anyone NOT believe cutting back on instruction hurts the students?

Tim Howard
NHC

LETTER TO THE EDITOR

THE ELEVATOR

Today is Friday. Last Wednesday I was unable to take the elevator because it was broken. Now, two days later, it is still broken. This is the elevator in the Academic building, west side, I believe. It is only one of two elevators one can take to the second floor, the other one being down at the far east end of the building. This is not a new problem. It is an old problem,

like the wallpaper coming down from some of the walls in this building, like the halls having cracks in the walls, and the ceilings leaking when it rains. With all of the new buildings, I can't help but wonder at the priorities in the budget. I am not handicapped, but am an adjunct who must bring all of my books with me. If I use a carrier such as a wheeled backpack or suitcase, I cannot reach the second floor by the stairs, I must use an elevator. I need to use a wheeled carrier in order to save my back, in fact. Now, all of this is hard on me, but I am even more concerned about handicapped students, or students who also need to use a carrier to save their backs, or students who break their legs. We need access to the second floor of the Academic building other than the stairs and one elevator. This problem has gone on long enough.

Nell Newsom
NHC Adjunct Instructor



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Join the AFT - Call Alan Hall

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