



THE ADVOCATE

Flawed from the Start

As I sat listening to the speaker at this year's opening ceremony, I wondered if others at Montgomery College were struck by the irony of the topic, ethics. While the speaker continued to explain ethical dilemmas and ways to consider them, I began reflecting on this year's dean search at Montgomery College, a search that at the very least appeared flawed from the start.

In response to Chancellor Pickleman's sweeping reform of the instructional divisions at NHMCCD, MC began interviewing dean candidates in April. The first potential flaw was the interview process. All MC employees, except those who had applied, were invited to observe the interviews. VP Joynton gave specific instructions to all employees not to reveal the nature of the questions to anyone not attending the interviews, specifically those applying for the position. Employees were then invited to send comments/concerns about the candidates to VP Joynton. This situation begs the question of how realistic it is to invite people not directly involved in the selection process to the interviews and expect that none of the questions, format, etc, will be leaked, either intentionally or unintentionally. Executive Vice Chancellor Steve Head became interim president at MC on May 13th. In an e-mail sent to me dated July 31st, he

confirmed that the potential flaw had become a reality and an issue for this search committee. He wrote, "it was widely known at Montgomery College that observers to the process had discussed comments and the characteristics of the candidates with others, and had on more than one occasion attempted to influence committee members." He went on to say, "having observers in the audience undermined the entire process and placed committee members in a difficult position." I wonder if these possible flaws were considered and/or discussed when the idea to have open interviews was first brought up. It seems reasonable that had there been a discussion, the committee members or the administration would have foreseen these issues and chosen a different process.

The flaws in this process did not stop with the open interviews. The MC dean search committee had selected a total of 12 finalists out of a total of over 150 applicants who had applied district wide to interview. Two of the positions were filled by May 13th. The committee members were split on the selection of the third dean. According to Dr. Head, he guided the committee in considering 3 choices: extend the search, reopen the search, or repost the position. Starting a new search was seen as inappropriate since a

retreat for all of the deans had been planned and over 150 applications had been received. The committee decided to extend the search to those interested. One might wonder how candidates would know to express their interest when apparently none of them was notified that the search was being extended. According to the e-mail from Dr. Head, the committee decided to interview two internal candidates and two external candidates for the remaining position. When questioned, Dr. Head was unwilling to divulge the criteria used in selecting these four candidates.

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## Flawed from the Start (cont'd)

It was during this decision-making process that a member of the dean selection committee resigned and was accepted as a candidate for the open dean position. In a memo dated June 3<sup>rd</sup> addressed to the members of the Sciences, Health and Wellness division, VP Joynton states that the committee recognized and acknowledged the objections to interviewing someone who was privy to the entire process from the start, not to mention the interview questions. However, the committee “eventually subordinated the values behind the objections, important as they are, to the higher value of finding the best person for the position.” Joynton goes on to say that the move from committee member to candidate is not unprecedented in our district. He contends that while it should be a rare occurrence, teams should not refuse to consider the idea. (It should be noted that this “rare” occurrence of changing the rules/search process and members becoming candidates has happened at least 3 times in MC’s 8-year history). The committee chose to interview the committee member, now a candidate, as well as three other candidates. One candidate withdrew before being interviewed. It is clear that the rapid pace of this process did not afford all MC employees, particularly faculty and the other dean candidates, reasonable time to think about the process and contact Dr. Head or VP Joynton with comments or concerns.

At this point, the entire selection process changed. VP Joynton states in his memo that the “search team used an altogether different oral interview format for [the committee member/candidate] in order to obviate at least one source of inequity.” According to the NHMCCD policy covering the selection process, “each applicant must receive the same treatment including interview questions, required demonstration

of other stipulations by the hiring authority.” Not only were the questions changed for this candidate, so was the interview process. This candidate’s interview was not open to all MC employees, as the previous interviews had been—again, not the same treatment the previous candidates received. VP Joynton’s memo addresses this issue also. In acknowledging the difficulties between faculty members in the candidate’s division, “the team members recognized the need for very pointed questioning of candidates on these topics—in view of ascertaining the candidates’ promise for successful resolution of the conflict.” He further states, “the time had come for family talk, which is not the discussion anyone wants for the whole college to witness and speculate about.” Alan Hall, union president, and I spoke to Dr. Head regarding these changes and he also stated the same rationale. When we questioned not only the violation of district policy, but also the possible legal ramifications of changing the process mid-stream, Dr. Head agreed to contact Sandra McMullan, the district’s general counsel and Vice Chancellor for Human Resources. Vice Chancellor McMullan confirmed that all candidates must be asked the same questions and receive the same treatment in the process.

If the changes in the selection process were made for the perceived inequity of the migrated committee member/candidate, they were flawed as well. First, employees who have been on search committees are aware of the district policy regarding the same questions and treatment for all candidates. Hearing rumors that different questions were used and seeing no immediate response to this issue from the administration further fueled the very speculation VP Joynton was trying to prevent, which was that this committee member/candidate had an

unfair advantage.

Second, while the committee may have argued the need to ask division-specific, sensitive questions, they did not need to close the entire interview. The sensitive questions could have been asked first, and then the rest of the interview could have been opened to all MC employees. With the exception of those in the aforementioned division (and they received the explanation after the candidate was hired), MC employees received no explanation about why the process was changed. Again, a complete change in the process resulted in more speculation about the process as well as the candidate.

Third, how would the previously interviewed candidates have answered the questions concerning the difficult climate in that division? The committee will never know. These candidates may have had excellent approaches to defusing it or no approach at all. VP Joynton’s memo states that the selected candidate “has some very commendable ideas on how to improve the climate and unify the suite.” By deciding to ask these sensitive questions of only one candidate, the committee did not give themselves a broad range of responses to consider nor compare. Isn’t this part of why we choose to interview a number of candidates? Different questions coupled with only one set of responses to review is another obvious flaw in this part of the process.

Finally, one need only look as far as the NHMCCD Policy Manual to understand how this process has affected many on MC’s campus. The policy states:

“All employees shall...be responsible for the creation of a positive and constructive environment essential for maximum effectiveness of the teaching/learning process that is

## Flawed from the Start (cont'd)

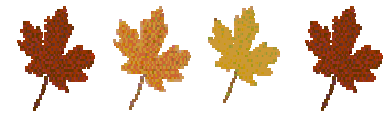
the bedrock of the institution. Basic to this environment is freedom from harassment, concern for the individual, and respect for human dignity" (Policy DHA-Ethical Standards).

The ironic twist is that this is a favorite passage of VP Joynton who sees these standards as non-negotiable. However, many would argue that they are clearly negotiable at MC. The recent dean selection hiring process has again raised questions about many past MC hiring issues, adherence to NHMCCD's selection process and policy, and trust in the administration's ability to conduct a

consistent and ethical search, especially since the Executive Vice Chancellor was involved in this search. As a result of the many flaws in this selection process, the "positive and constructive environment" at MC was at the least compromised and more than likely further weakened. Possibly the greatest flaw was the administration's knowledge of what was happening, but not taking action at least to explain why changes had been made until the AFT became more involved. The question remains: was it a little too little, a little too late?

It is important to note that the AFT does not have any issues concerning the candidate who was selected for the dean position at Montgomery College. Our issue is with the process—a process that was flawed from the start.

Julie Alber  
AFT Vice President  
Montgomery College



## Educational Ethics

Dr. Rushworth Kidder's fall convocation speech about ethics fascinated me. As I listened, I couldn't help thinking about Dawn Baxley's situation. You will recall that the district office posted and advertised the position of Associate Dean of Extended Learning at Montgomery College as a C-19 with a salary range of \$61,000 to \$68,000. Dawn applied, interviewed, and was offered the job at C-19 with a salary of \$62,200. She accepted, but after she had been at Montgomery for a few weeks, she was told that the college would not honor the salary offered because paperwork had not been completed properly to make the position a C-19 (the position at Montgomery had previously been called Director of Extended Learning Center, with a classification of C-16, and a starting salary of \$46,974 to \$52,846). After many conversations back and forth and mountains of paperwork, ultimately, HR officially classified the position as C-17 with an annual salary of \$52,705, a salary \$7,495 less than the salary she was offered. For full details, please refer to the September/October 2001 issue of [The Advocate](#). The union's position was that the college was guilty of breach of contract. We assisted Dawn in filing

an administrative review. During this process, we met with Dr. Bill Law, then president of Montgomery College, and Dr. Olin Joynton, Vice President of Montgomery. Both administrators were supportive of Dawn. New paperwork was submitted to HR three different times to justify the position and salary, but they were rejected by HR. The administrative review went nowhere, so we began to work behind the scenes to see if we could find a way to get a compromise that we could all live with. We met with Sandra McMullan, NHMCCD General Counsel and Vice Chancellor of Human Resources, Dr. Steve Head, Executive Vice Chancellor and Interim President of Montgomery after Dr. Law's departure, and Chancellor Pickelman. The union has a great track record at resolving conflicts, but, in this case, we were unable to come to an agreement.

The next step would have been to file a grievance, the issues of which we were convinced we were right about but one we were sure to lose given the responses we were getting. A grievance's only purpose would have been to satisfy a court's expectation that all internal remedies should be exhausted before filing suit. We had consulted our attorney,

Cris Tritico, who believed that we had a case, and were ready to go to court on Dawn's behalf. However, in cases such as this, we do not move forward without the member's approval.

After months of careful consideration, Dawn made the decision not to move forward with the lawsuit. Dawn chose NHMCCD as the community college where she wanted to spend her professional career, and she did not want to jeopardize that career or put herself through the grief of a lawsuit. We honored that decision and have reached closure, albeit unsatisfactory, on her situation. Dr. Pickelman has stated, "When the college makes a mistake, we do the right thing for the employee." Did the district do the right thing? Did it adhere to an ethical behavior one might reasonably expect? Did it adhere to the values and ethics promoted by Dr. Kidder at fall convocation? The answer is a resounding no.

Alan Hall

## New Adjunct Rate

At the AFT national convention in Las Vegas this past summer, the delegates passed a constitutional amendment providing a reduced dues rate for "contingent employees, such as adjunct employees, making less than \$10,000 per year." The amendment calls for the reduced rate for a period of two years. Adjunct employees often must cobble together a living by working part-time at several in-

stitutions. For example, it is not unusual at NHMCCD to find an adjunct instructor teaching for Houston Community College, San Jacinto, and us at the same time for a meager salary. Their need for representation, however, is not meager, and the AFT convention recognized their plight. Local AFT President, Alan Hall, hailed that this amendment is a step in the right direction by making member-

ship more affordable for adjuncts. He added, "This lowered rate is the result of reductions that we send to our state and national organizations for adjuncts and is not subsidized by the dues of full-time members. It will help us to represent better the interests of adjuncts." As a result of the amendment, the adjunct rate drops from \$14.65 to \$10.00 per month.

*Advocate Staff*

## Annual Dues Rate Increase

A \$1.25 dues rate increase for full-time faculty and staff for 2002-03 took effect on October 1, 2002. This increase is a result of a \$.25 increase by TFT and a \$1.00 increase by AFT. As explained in the article above, adjunct faculty and staff will

be paying a reduced rate of \$10.00 per month for at least the next two years, so they will not be affected by the increase. The new dues rates are posted in the box to the right.

AFT Dues	
Full-time Faculty	\$26.15
Full-time Professional Staff	\$22.60
Full-time Support Staff	\$19.00
Adjunct Faculty & Staff	\$10.00

## AFT Looks Out for Everyone's Interest

Right at the end of the Spring 2002 semester, on April 30, an email came out from NHC Human Resources regarding leave plan procedures which stated, "Effective immediately and as part of our Leave Plan Procedures, we want to remind you of the steps you are required to follow." Although various types of leave were listed, this procedure was really intended for sick leave, as clarified in a second email on May 1. The procedure for sick leave, a two page document, identified the following procedure for returning to work:

"Upon return, the employee should report to the Human Resources Office. The Human Resources Coordinator will examine any medical documentation; medical excuse, etc. are in order[sic]. The employee is responsible to bring, on the first workday back, the paperwork/medical excuse that release them [sic] from treatment, if the reason of the leave was an illness. The HRC

will coordinate with Payroll and notify your supervisor. If the paperwork is in order, the employee will report to their[sic] work area. In absence of a medical excuse, the employee will not be able to report to work until their[sic] doctor provides them[sic] a medical certification releasing them[sic] from treatment. If the release is with restrictions, the note must be specific in stating those restrictions."

In this scenario, a professor might be ill for two days with a virus, not see a physician, and be ready to return to classes on the third day. According to this procedure, the professor must report directly to HR but, without a doctor's excuse, would not be allowed to return to class. The procedure provides no guidance in such a scenario. If the professor did go to a doctor and did have a medical excuse, he is required to sit patiently in HR awaiting an indication that the medical excuse is sufficient to return to work.

The AFT had trouble with this procedure.

Perhaps more significantly, if one were to have gone to a doctor and did, indeed, present a medical excuse in order to be allowed back to work, the procedure required a diagnosis. The AFT's view is that such a requirement violates medical privacy.

President Alan Hall immediately contacted District Human Resources with our concerns. On May 2, NHC HR sent an email rescinding the procedure. From the May 2 email, it appears that HR's original purpose was to emphasize that "whenever an employee uses sick leave for more than three consecutive days, [. . .] the employee can be notified by District HR of his or her Federal rights under the Family Medical Leave Act." We have no quarrel with that simple concept.

*Advocate Staff*

## Jobs Saved

Conflicts often slow down in the summer, but this summer proved busy. Two part-time police officers were inappropriately terminated. The union represented them, and, after several meetings with the administration, they were reinstated. In addition, a faculty member was the victim of an inappropriate accusation. This one required the services of our local legal counsel, Cris Tritico. We are pleased to report that the faculty member was completely exonerated.

On another front, a staff member contacted the union about having difficulty getting a prescription filled because of some problem with paperwork on a workman's comp claim. The member had been injured on the job, reported it, filled out the appropriate paperwork, and went to a doctor who prescribed pain medication. When the member attempted to pick up the prescription, the member was told that the insurance company handling the claim had not ap-

proved it, so the drugstore would not release the prescription unless the member paid for it. After a couple of days of trying to resolve the issue, the member contacted AFT President, Alan Hall. One phone call resolved the issue, and the member was able to pick up the prescription within an hour.

*Advocate Staff*

## Employee Federation of NHMCCD Receives Award

During the past year the Employee Federation of NHMCCD has experienced a 48% growth in membership, the largest increase in the same time period since our federation was founded in 1980.

honored at a special reception at the National AFT Convention in Las Vegas in July. TFT Secretary/Treasurer, John O'Sullivan accepted the award on our behalf.

*Advocate Staff*

As a result, we received an award for outstanding growth and were



## Letter to the Editor

Last May, my colleague Nick Oweyssi wrote about his objections to the new North Harris College website. I write to add my own.

Our college website needs to look academic, not commercial.

I also object to the frames around each page, frames that take up 2/3 of the space available for the info our students are looking for. A well-designed site does not require users to forward through page after page framed by the same information about the district and the campus that could be reached by just navigating "home." Each of these framed pages compresses the info users need onto 1/3 of the dark-greenish screen. Have the consultants who manage our page consid-

ered that students who print out this information see grayed pages covered with thick black font?

Our NHC website should be attractive, academic and user-friendly. I hope anyone else who is concerned will contact Andre Perez with a brief comment.

Pat Szmania  
English Faculty  
NHC Writing Center

## Education Loans for Union Members

AFT PLUS and Sallie Mae have partnered to provide educational assistance to union members and their families. Here are just a few of the AFT PLUS Education Loan

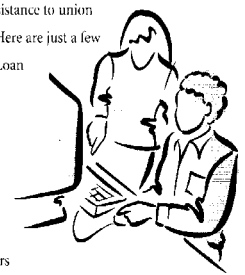
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OCT '02

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## In Memoriam



On September 11, 2001, our nation faced a horrific event. The AFT was directly affected as were many other unions. The American Airlines flight that hit the Pentagon carried students on a school trip led by AFT members. According to [The American Teacher](#) (Special Edition, November 2001), “Backus Middle School teacher [Sarah] Clark was accompanying sixth-grade student Asia Cottom on the flight that was to have taken them to California to attend an ecology conference sponsored by the National Geographic Society. [James] Debeuneure, a teacher at Ketcham Elementary, was with Ketcham student Rodney Dickens, and [Hilda] Taylor was traveling with Leckie Elementary sixth-grader Bernard Brown. The youngsters—all 11 years old—were being rewarded for their outstanding classroom performance.” AFT president, Sandra Feldman, characterized these teachers as “tireless, committed, and dedicated.” Acts of heroism of which we have all heard included AFT members. [The American Teacher](#) goes on to report, “The attack in New York forced the immediate evacuation of 8,000 students in eight Manhattan schools. Thanks to their teachers and other school staff members, not a single child was injured; all made it safely back into the arms of loved ones.” Evacuation near the World Trade Center included AFT members getting wheelchair bound students to safety. In some instances, the union members carried their students

on their backs over and around obstacles.

Other union members were also affected. The New York Fire Department lost 343 members, the New York Police Department lost 23 officers, and the Port Authority lost 37 officers, union members all. Immediately after the attacks, union members began to render aid and participate in the long process of cleanup. According to the September 2002 [America at Work](#), “When terrorists attacked the World Trade Center and the Pentagon one year ago, America’s working men and women—firefighters, police and rescue units, along with hundreds of building trades workers, public employees and other workers—labored around the clock for months, removing the rubble, treating the wounded and ensuring the safety of the nation’s borders, planes, trains and public facilities” (8). The emotional scars will, no doubt, last them the rest of their lives. Recently it became apparent that the physical effects may haunt them as well “after being exposed to carcinogens, asbestos and other health hazards. Some medical experts have estimated at least half the workers cleaning up the World Trade Center site will require treatment for serious diseases as a result of their exposure” (9).

Of course the deaths, injuries, and potential risks are not limited to union members. We remember and

honor everyone affected by this event, but we feel that it is important to call attention to our own. Their sacrifices stand in stark contrast to politics that are now going on in Washington. According to June 2002 [Texas AFL-CIO Labor News](#), “George W. Bush has threatened to veto legislation that would create a new federal Homeland Security department unless it does away with the rights of federal employees at the agency to unionize and to keep civil service protections” (1). According to an Associate Press report, President Bush spoke recently in front of Mt. Rushmore: “I don’t want our hands tied so we cannot do the number one job you expect, which is to protect the homeland,” Bush declared, saying that existing civil service and union rules saddle him with ‘a big fat bureaucratic rulebook’” (1). AFL-CIO President, John Sweeney, responded, “History has proven that guaranteeing workers their rights does not imperil national security,” and Texas AFL-CIO President, Joe Gunn, added, “[...] firefighters, police, medical personnel, construction crews called on for repairs and a wide array of other union member have never flashed union cards or cited contract provisions when the safety of the nation is at stake” (6).

We certainly do not want to politicize this event. No one should. We want to remember and honor.

Alan Hall

## Help Repeal Social Security Regulations

Last year, the AFT sponsored Social Security seminars on each of the campuses in an effort to make NHMCCD employees aware of two Social Security regulations, "The Windfall Elimination Provision" and "The Government Pension Offset," which allow for a reduction of social security benefits for employees or widows/widowers who are eligible for Social Security, but who are drawing a pension from ORP or TRS.

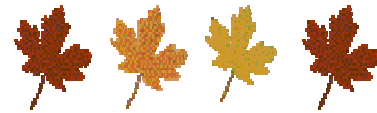
The Texas Federation of Teachers (TFT) has been pushing for the repeal of these two regulations which prevent most Texas school employees who are eligible from receiving

Social Security benefits that they would get if they did not retire from a school district (like NHMCCD) that does not pay into the Social Security Fund.

You can help by contacting two influential Congressmen from Texas whose support could turn things around. Congressman Tom DeLay (R-Sugar Land) is the Republican Party Whip in Congress, and Congressman Dick Armey (R-Irving) is the House Majority Leader. According to John Cole, President of the TFT, both of these men have great influence in the speedy passing of bills through the House of Representatives. The September

"TFT Update" encourages us to do the following: "You can call their offices on AFT's toll-free line to the U. S. Capitol, 1-800-839-5276, and leave a message: Bring the Social Security Fairness Act (H.R. 2638) up for vote before Congress finishes business this year."

Dawn Baxley




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## Watch for these Fall 2002 Presentations

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## CALL FOR ARTICLES

We invite you to send us your opinions, your news, your questions and so forth. The Advocate is a forum for information and free interchange of ideas. Send your articles to Dawn Baxley, Editor, MC, or e-mail: dawnb@nhmccd.edu, or submit to any of the other following officers:

Alan Hall, President	North Harris College	ACAD 217-G
Velma Trammel	North Harris College	WNSP 174
Rich Almstedt	Kingwood College	FTC 100-G
Tim Howard	North Harris College	ACAD 270-G
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