

AFT Presentation to the Board of Trustees on Due Process Rights, April 4, 2013

I am John Burghduff, representing the American Federation of Teachers.

The AFT has used this venue on past occasions to discuss concerns that we have about the grievance structure at Lone Star College. At the November, 2011 meeting, I highlighted that LSCS grants different rights to different categories of employees. In December 2010 this Board voted to limit the rights of non-contractual employees to allow only one level of appeal in a conflict. This was a change from policies that were in place for most of the history of the college which gave contractual and non-contractual employees the same rights of appeal and is also out of step with every community college we have checked in the State of Texas.

In the same December, 2010 meeting the Board voted to eliminate from the policy manual, the process that allows employees to appeal grievances to the Board. In my September, 2012 presentation, I referenced the 1984 case of *Professional Association of College Educators v. El Paso Community College District*. The Texas Court of Appeals ruled that, although the college's board had no requirement to negotiate or even to respond to complaints, they were legally obligated to stop, look and listen and to consider the petition, address or remonstrance of a college employee. As I speak to you now, I am sorry to report that neither the problem of limited rights of appeal for non-contractual employees, nor the lack of process for appeal to the board have been corrected.

The AFT believes that these shortcomings in policy contribute to an atmosphere in which abuses of power go unrestrained. Most of those present this evening are familiar with the events connected with grievances filed by three faculty members from Montgomery College citing evidence of specific instances of abusive and retaliatory behavior by that college's Vice President of Instruction. Those three faculty members, encouraged by the AFT, assembled packets of evidence that they mailed to each member of the Board of Trustees. The President of the Board returned his packet unopened and the Board never acknowledged receipt of the packets nor made any public statement about the appeal.

Rewriting policy does not free the Board of Trustees of a public institution from its legal obligations to provide oversight of the college system. Ample examples of well written and documented policies for employee appeal and Board oversight exist. The policy manual for the Dallas County Community College District provides a fine model. The AFT urges the Board to consider these models and to restore rights that were taken away in 2010.