

TTA MEMBER TOOLKIT

UNDERSTANDING THE DISCIPLINARY PROCESS

Over the last several months, TTA has encountered a distressing shift in the approach TUSD Human Resources is taking to progressive/intermediate discipline. A pattern of disregard for both contractual and legal rules and procedures has emerged. TTA leadership feels it is imperative to inform our members of this situation and provide information and resources to protect your rights and your contract. Keep this resource and refer to it as needed.

TTA insists that TUSD work through the negotiations process and a collaborative consultation process to develop disciplinary systems that each side agrees to, and to set clear expectations that all parties are adequately trained to implement.

KNOW YOUR RIGHTS

NEVER GO ALONE!

You have a right to union representation (Weingarten Rights) but YOU MUST REQUEST IT!

“If an employee has a reasonable belief that discipline or other adverse consequences may result from what he or she says, the employee has the right to request union representation. When the employee makes the request for a union representative to be present management has three options:

1. it can stop questioning until the representation arrives.
2. it can call off the interview or,
3. it can tell the employee that it will call off the interview unless the employee voluntarily gives up his/her rights to union representation (an option the employee should always refuse).”

SCOTUS Decision, NLRB v. Weingarten

NEVER go into a meeting with an administrator without a witness or representation.
ALWAYS bring someone with you - your site rep or a colleague you trust.

NEVER sign any documents waiving your rights or documents you don't understand.
ALWAYS read what's put in front of you for signature. If you don't know for sure, ask for help from TTA.

You have a right to know the allegations against you. (See the provided Investigatory Information Request Template)

NEVER go into a meeting without being told what it's about.
ALWAYS ask before you go.

KNOW YOUR CONTRACT AND DISTRICT POLICIES

Progressive Discipline procedures should be followed in disciplinary cases. As per the contract:

“Progressive discipline may include but need not be limited to *verbal warnings, written warnings and letters of reprimand.*” [Emphasis added.]

- TUSD/TTA Collective Bargaining Agreement, Article XVIII.B (p. 54)

Your contract REQUIRES that “Just Cause” must be shown to initiate disciplinary procedures:

“The following procedure is intended to establish a fair process which recognizes the right of the District to appropriately discipline employees while also *recognizing the right of employees to be subject to discipline only upon a showing of just cause.*” [Emphasis added.]

- TUSD/TTA Collective Bargaining Agreement, Article XVIII.A (p. 54)

See the “Seven Tests for Just Cause” handout for more information.

Discipline protocols and procedures are a mandatory subject of bargaining. TUSD cannot alter or skip contractual obligations without negotiating with TTA.

Intermediate Discipline (possible suspensions) is covered in the contract:
Article XVIII.G, 1-6 (p. 55)

Procedure for fair investigations into allegations of teacher misconduct (TTA’s position based upon law):

- 1 - Allegations (what happened): you must be informed of allegations against you per PERB and NLRB rulings—not just generic allegations, but enough information to “allow meaningful representation.” There should be no “ambush” meetings. Make sure that your representative sends the investigatory interview information request as soon as possible after you are notified by your administrator that they request to see you and that you may bring your union representative. If they do not tell you to bring your representative, stop the meeting and request one.
- 2 - Interview (investigation): you should be provided the opportunity to tell your side of the story and provide the names of additional witnesses and information pertinent to resolving the allegations.
- 3 - Findings (report back): you will be informed of the findings and any potential remedies, supports, and disciplinary actions.

NEVER relinquish your right to due process, as outlined in law and in our contract.

ALWAYS insist that procedures and protocols are properly followed.

PROTECT YOUR RIGHTS

PROTECT YOURSELF

- Document everything (send follow up emails after every conversation with an administrator documenting what was said in the meeting)
- Follow school procedures and rules
- Communicate with your site rep
- Be proactive: Anticipate issues and communicate with your administration BEFORE it becomes a problem

BE ASSERTIVE

- Insist that your rights are ALWAYS respected
- Insist that procedure is ALWAYS followed
- Insist that your contract is ALWAYS respected
- Insist that the law is ALWAYS followed

KNOW WHAT TO SAY

- If you find yourself in a meeting that turns out to be disciplinary or impacting your working conditions, say the following:
 “If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working condition, I respectfully request that my union representative be present at the meeting. Without representation, I choose not to answer any questions.”
- Bring this information with you to ALL meetings with administrators

PROTECT YOUR CONTRACT

- Grieve, Grieve, Grieve! When your contract is violated - file a grievance!!! (Your site rep can help you.) Grieving is how we hold TUSD accountable!
 - TUSD/TTA Collective Bargaining Agreement, Article XIX (p. 55-60) outlines the Grievance timelines and process.

SPEAK UP

- Write to the School Board
Contact Information: <https://www.tusd.org/boe>
- Speak at a School Board meeting
Meeting schedule: <https://www.tusd.org/boe/board-meetings>

STAND WITH YOUR COLLEAGUES

- Wear TTA BLUE on Thursdays
- Take a faculty picture and send it to the TTA office
- Be an advocate for your colleagues
- Share this information with your colleagues

Know your rights.
Protect your contract.
Insist that your rights are always respected.