

REPRESENTING MEMBERS AT CONFERENCES

DUE PROCESS CHECKLIST

REPRESENTATION DEPENDS ON THE TYPE OF CONFERENCE AND THE POSSIBLE OUTCOME. THE BUILDING REPRESENTATIVE SHOULD BE INFORMED OF ANY CONFERENCES WHERE THE LABOR RELATIONS ASSISTANT (LRA) WILL BE PRESENT. THE MEMBER MUST CONTACT THE PFT STAFF REPRESENTATIVE IF THE STAFF REPRESENTATIVE WILL BE REPRESENTING THE MEMBER.

- A. Types of Conference
 - 1. Investigatory Conference (including Board Security personnel) – Unless there are unusual circumstances or charges, conferences regarding attendance/lateness may be handled by the Building Representative.
 - 2. SEH 204 – School Level - Ordinarily handled by Staffers.
 - 3. Second Level – Handled by staffers only.
- B. Possible Outcomes
 - 1. Oral - No Record
 - 2. Memo – Informal or “Unofficial” File (Principal’s File only)
 - 3. 204 – Principal’s File or Official File
 - 4. Unsatisfactory Rating
 - 5. Administrative Transfer
 - 6. Suspension without Pay
 - 7. Assignment to District Office or Suspension
 - 8. Recommendation for termination

I. BASIC CONTRACTUAL SAFEGUARDS

- A. Twenty-Four (24) Hour Written Notice Rule – e.g., Article XIV, A 4,5.
- B. Right to PFT Representation – e.g. Article XIV, A 4.
- C. “Unofficial” Materials in School File – Must be destroyed at end of rating period if not sent to Personnel file - Kramer Arbitration Award, October 7, 1975.
- D. Negative materials in personnel file may be expunged after eighteen (18) months upon written request – e.g., Article XIV, B 8,9.
- E. Right to include rebuttal in file – Article XIV, B 2.

II. SOURCE OF INFORMATION LEADING TO CONFERENCE

- A. Personal knowledge of principal or Administrator
- B. Students
- C. Parents
- D. Staff/Faculty
- E. School District Investigator
- F. Anonymous Informant or Other (Newspaper, etc.)
- G. Police Report

III. STUDENT INFORMANTS

- A. Students come forward of own volition
 - 1. Motivation
 - 2. Prior problems
 - a. with member
 - b. with others
- B. Special Ed or Regular Ed
- C. How did principal or designee interview students?
 - 1. Individually
 - 2. In group
 - 3. Where was interview conducted?
 - a. Principal's office
 - b. Classroom
 - 4. How was interview conducted?
 - a. What was asked (exact questions)
 - 1. Leading questions
 - 2. Were students cross-examined?
 - b. Fear/desire to please
 - 1. Leading questions
 - 2. Were any other adults present?
 - 3. Were parents present?
 - 4. Did parents have knowledge or give permission for interview?
 - 5. Was PFT Representative present?
 - 6. How did student respond (exact answers)?
 - 7. Were answers adequately recorded?
 - 8. Was there opportunity to review notes of interview prior to conference?
 - 9. Did student make or sign statements?
 - c. Whether it is appropriate for PFT representative to interview students must be decided on a case by case basis

IV. PARENT INFORMANT

- A. Source of Information
 - 1. Direct knowledge

- 2. Student report
 - B. Motivation
 - C. Prior involvement in school affairs
 - D. Parent conference with Principal
 - 1. Student present
 - 2. Member and representative present
 - 3. Opportunity to cross-examine parent
- VI. FACULTY/STAFF INFORMANT
- A. Should PFT Representative meet with informant prior to conference?
 - B. Should informant be present at conference?
 - 1. Informant should be advised that PFT Representative owes duty to bargaining unit member at risk of discipline.
 - 2. Conflicts between members of PFT units should be resolved if at all possible without administration interference.
- VII. SCHOOL DISTRICT INVESTIGATION (SECURITY)
- A. Compliance with Contractual Safeguards
 - 1. twenty-four (24) hour notice rule
 - 2. informed of right to have PFT Representative present
- VIII. ANONYMOUS INFORMANT, NEWSPAPER, ETC.
- A. Was any attempt made to verify information independently prior to conference?
 - B. Anonymous material may not be placed in an employee's personnel file – Article XIV B1
- IX. CRIMINAL CHARGES – If the police are involved the member must contact Legal Services (215-814-9200) or a private attorney.
- X. DOCUMENTARY MATERIALS WHICH MAY BE PREPARED OR CONSIDERED
- A. "Unofficial" materials in school file – must be destroyed at end of rating period as per Kramer Award
 - 1. "Unofficial" materials from previous rating periods cannot be considered
 - B. Materials from personnel file must comply with Article XIV, B1.
 - 1. Employee must have seen material and have had opportunity to rebut
 - C. Eighteen (18) month and five (5) year expungement – Article XIV, B 8,9.
 - 1. Expungement is not automatic
 - 2. Employee must request expungement in writing
 - D. Rebuttals
 - 1. Limit rebuttals to general denial, avoiding inculpatory statements

XI. PREPARATION FOR CONFERENCE

- A. PFT Representative should be familiar with substance of conference
 - 1. Prior discussion with administrator
 - 2. Review with employee
 - 3. Interview witnesses
- B. Employee must be prepared by PFT Representative
 - 1. Answer only questions posed
 - 2. Do not "play games" – straightforward answers are always best
 - 3. Answers should be succinct
 - a. "Yes" or "No" if possible
 - b. Do not volunteer information
 - c. Always possible to caucus prior to answering
 - 4. Attitude/demeanor important – avoid sarcasm, belligerence, etc.
 - 5. Some charges can be admitted (absences, lateness, etc.) in whole or in part and an attempt made to explain or excuse
 - 6. Some charges cannot be admitted without risk of discipline or discharge
 - a. Corporal punishment
 - b. Sexual abuse
 - c. Other (Inappropriate language)
 - d. Charges pending police investigation – contact PFT Staff Representative

XII. GENERAL CONCEPTS

- A. Employee needs to feel contractual and other rights are protected.
- B. Despite advice of PFT Representative, employee will probably want to talk at length. Discourage this.
 - 1. Make use of caucus
 - 2. If employee insists on talking too much, make it clear it is contrary to advice.
 - 3. If employee insists on talking, try to agree on what will be said so that nothing is "volunteered".
- C. Do not be afraid to put on an active defense. Most problems or "mistakes" arising at first level can be cured at higher level conferences or, if necessary, at arbitration
- D. When in doubt, check with PFT Staffer
- E. Take notes of conference