

## Know your Rights:

### **When Facing Charges of Serious Misconduct**

This document provides general information and does not provide definite legal advice. Specific situations must be discussed with the Association leadership and might require referral to a CTA-retained Attorney.

Occasionally school employees face charges of misconduct that could form the basis for dismissal, credential revocation or criminal prosecution. Too frequently, school officials who investigate these charges seem only to believe the students or parents. **School employees facing serious charges need competent legal counsel before they talk to anyone.** *Although you know you are innocent, school officials will investigate on the assumption that you are guilty.*

#### What you should DO:

**1. Contact the TRUE office immediately ([true.office@yahoo.com](mailto:true.office@yahoo.com)).** You are entitled by law, and should demand, Association representation in any meeting with school officials to discuss any complaint against you. You forfeit this right, either by failing to request representation or by attending the meeting without Association Representation.

**2. Seek referral to a CTA Legal Services Attorney.** The CTA lawyer will provide advice and consultation, and representation in cases directly involving your employment. Initial consultations are paid by CTA. Depending on the problem you may be entitled to representation at CTA expense.

**3. Keep a diary of all communications from anyone about the situation.** Keeping a diary helps you make sense of what's happening during a time that is usually difficult and often very emotional.

#### What you should NOT DO:

**1. Do Not talk to the police.** If the police wants to talk to you, simply tell them that you are unwilling to talk to them without your lawyer present.

**2. Do Not talk to anyone about the details of the situation, except your spouse, until you have talked with your attorney.** Discussions with your spouse are covered by a rule of "spousal privilege. There is no privilege for communication with a fellow employee, friend, school official, a representative of Child Protective Services, or even your union representative.

**3. Do Not be misled by statements that "Nothing will happen if you will just tell us what happened."** School officials, even those you trust, have a duty to investigate student/parent complaints and to take appropriate actions. You must protect yourself and follow professional legal advice.

**4. Do Not make any decision concerning your job.** A promise to "keep the investigation quiet in exchange for your resignation" is without credibility. Making a deal does not immunize you from further action by the District, Child Protection Services, the Commission on Teacher Credentialing, or parents who want to "punish" you.