

## **CT Vo-Tech Teachers: Rights and Recourse**

Teachers in Connecticut's vocational-technical schools, like all teachers, face the threat of false accusations.

Teachers need to know what happens when an allegation is made, and what are their rights.

It is the responsibility of the Employer (Central Office/CT State Department of Education) to investigate allegations. The action taken by the Employer against the employee (teacher) may depend upon: 1. the nature of the complaint; inappropriate language, physical contact, sexual harassment, gender bias, etc; 2. the severity of the accusation, and; 3. the employee's performance record. Sometimes, regardless of whether the investigation is done internally by school administration or externally by personnel from the Department, the teacher will be informed about what's going on. More often, the teacher is not informed to remove the possibility of impeding or interfering with the investigation.

In many investigatory situations, teachers may be placed on "administrative leave with pay status". This action is pre-disciplinary. The teacher retains his position and is being paid. One of the reasons the Employer takes this action is to protect the educational environment in the school. Unfortunately, many teachers who have experienced this process believe removal from the school sends the message "guilty until proven innocent". The teachers in Connecticut's vo-tech schools are state employees in what are called unclassified positions. Unlike classified positions, there is no requirement with unclassified positions that an investigation be concluded within a specific time-frame. Technically, a teacher in our system could be placed on administrative leave with pay indefinitely.

As public-sector employees, v-t teachers facing discipline would exercise their rights under Loudermill and under the contract. The teacher is entitled to a Loudermill hearing. At this meeting, the teacher would learn specifically the charges made against him/her, learn by whom these accusations were made, learn the disciplinary action being considered by the Employer, and have an opportunity to respond to the allegations. Unfortunately, teachers often feel that their right to become involved in the process – to address false accusations – is untimely; coming after the complaint has gone from informal to formal, after the accuser and others have been interviewed, etc. Discipline taken by the Employer against a teacher is subject to the just cause provisions of the contract. Employees may be reprimanded, issued a Final Warning, suspended, or dismissed. Once discipline is issued, the teacher would initiate the grievance process. By contract, arbitration provides the recourse for a teacher who is dismissed. In an arbitration, which is a discipline case, not only would the burden of proof fall upon the Employer, but the accused, accuser, and witnesses would have to provide direct testimony and face cross-examination.