

DO'S & DON'TS FOR SCHOOL EMPLOYEES CHARGED WITH CRIMINAL MISCONDUCT

Recently, school employees have faced an increasing number of charges of sexual or other criminal misconduct with students. School officials who investigate these charges often seem to believe only the students and/or their parents. School employees facing such charges need competent legal counsel *immediately*.

CTA attorneys have prepared the following “Do’s & Don’ts for CTA members charged with sexual or other criminal misconduct involving students. *Remember: Even if you know you are innocent, school officials must investigate on the assumption that you are guilty.*

DO'S

**** Do Contact Your Site Rep Immediately.** School employees are entitled by law to have, and should demand, representation in *any* meeting with school officials to discuss any complaint against them. If no representative is available, reschedule the meeting. Asserting your right is not insubordination. You do forfeit this right if you attend the meeting without a Site Representative.

**** Do Seek Referral To A CTA./NEA Legal Services Attorney To Discuss The Situation.** CTA and NEA jointly sponsor a legal services program for CTA members which provides advice and consultation, as well as representation, in cases directly involving your employment. Initial consultations are paid for by CTA/NEA, and CTA members may be entitled to legal representation at CTA/NEA expenses.

**** Do Keep A Diary Of All Communications From Anyone About The Situation, So You Will Have A Complete Record Of Everything That Transpired.** Keeping a diary also helps you to “make sense” of what’s happening during a time which is usually difficult and often very emotional.

DON'TS

**** Don't Talk To Anyone Except Your Spouse About Details Of The Situation Until After You Have Talked To Your Lawyer.** A legal rule called “privilege” prevents the police or school authorities from requiring your spouse to reveal what you told her/him in the confidentiality of your marriage. The “privilege” rule extends to the lawyer-client relationship as well. However, there is no “privilege” for communication with a room mate or “significant other,” another employee, a site representative, a school official or a representative of Child Protective Services. *Remember: Unless Privileged, What You Say About The Problem To Another Person Will Be Subpoenaed And Used Against You.*

**** Don't Be Misled By School Officials Who Say That "Nothing Will Happen To You If You Will Just Tell Them About The Situation."** School officials, even those you trust, have a mandatory legal duty to investigate student/parent complaints about school employees, and to follow the investigation wherever it may lead. If you face misconduct charges, protect yourself by getting and following professional legal advice. Prudence demands that you take all necessary precautions to preserve your employment.

**** Don't Take Any Action Affecting Your Job Until You Consult With A Lawyer.** School officials often use coercion against an employee charged with misconduct. They offer to keep the incident "quiet" in exchange for an immediate resignation. CTA members are entitled to, and should obtain, advice from legal counsel *before* taking any action which could jeopardize either their job or their credential. *Remember: A "Deal" With The School District Does Not Prevent A Student, A Parent, The Prosecuting Attorney Or Child Protective Services From Filing Criminal Charges, Suing For Civil Damages, Seeking Revocation Of Your Credential, Or Abusing Your Reputation.*