HANDOUT

Know the Rules

Rules Come from Many Sources

There are many rules, regulations and practices that guide your Chapter's activities and your presidency. Some are formal – like state and federal laws and your Chapter's Bylaws – and some are informal – like past practices and customs.



Whether formal or informal, it is important that you know what the rules are, why they are relevant and how they can most easily be followed. Beyond the brief summary here and in Part 1 of the *Handbook*, if you have doubts, want clarification or need updates, you should consult with your Primary Contact Staff (PCS) person and, on his/her recommendation, with the appropriate CTA departmental staff person, as you are better off "safe" in knowing what the rules are than "sorry" by finding out later that there may be a problem.

Rules Governing Our "Internal" Interactions

Because your Chapter is certified by state law to be the exclusive representative of your group – your bargaining unit – there are a number of obligations attached to that right. Many of these obligations are spelled out generally in state law and are further detailed by state regulations, case law and your Chapter's Bylaws, Standing Rules and other governance documents. Of primary importance are:

- Your duty to serve as the Chapter's **"chief fiduciary officer,"** acting on behalf of the membership by governing professionally, honestly and with integrity; by adhering to the requirements of the law and regulation; by respecting member confidentiality; by providing members with information that is complete, appropriate and accurate; and by spending dues money judiciously, for the benefit of the membership and not for personal gain.

- Your Chapter's **duty to represent members** fairly, impartially and in a non-discriminatory manner (the "duty of fair representation" or DFR). Under this duty, the Chapter must act on behalf of all unit employees, not just dues paying members. This does not mean that you have to provide the full range of benefits that dues payers receive (like access to CTA Group Legal Services) but requires that in basic Chapter representation, you treat all unit employees fairly.

- Your Chapter's **duty to conduct fair and open elections**. All Association dues payers must have the opportunity to vote in all elections and all elections must be held as required by your Chapter's governance documents and the *CTA Requirements for Chapter Election Procedures* (included online in Leader Resources).

Rules Governing Our Relationship with the District

The majority of rules governing our relationship with districts center on collective bargaining and political action, detailed throughout Parts 2, 4, and 5 of this *Handbook*. In addition to those rules, you should be aware of the following:

- Bargaining unit members have the **right to assistance of a union representative**. This right extends to all unit employees, not just dues paying members, and allows employees to request Association representation in certain types of meetings (such as those where the employee reasonably believes

discipline may be imposed or considered). To be effective, the employee must request representation (the district is under no obligation to provide this right unless it is requested).

- Members, like the general public, have **the right to notice of and meaningful participation in School Board meetings.** Commonly known as "Brown Act" rights (based on the state statute the Ralph M. Brown Act), these rules require advance notice of School Board meetings; an advance copy of the meeting agenda, with a brief description of each item to be considered; and reasonable access to the meeting, with an equal opportunity to comment on agenda items. Essentially, Brown Act rules impose a duty on the School Board to act in the open – without holding "secret meetings" – and to give all members of the public a fair and equal opportunity to be heard. These rules do not impose any obligation on you or your Chapter and do not prohibit you from meeting with or lobbying individual School Board members, even during bargaining season. There are other rules that regulate the bargaining process, but none go as far as School Board members would often like you to think, prohibiting conversation or contact during negotiations.

Allegations Against Members

As president, you may have to assist members who have been charged with conduct that may lead to dismissal, credential revocation or criminal prosecution. Most often, these claims involve allegations of sexual misconduct with students (but may also center, among other things, on charges of theft, fraud or "moral turpitude").

Because these charges are frequently made without warning – and because district officials or the police may arrive to investigate without notice – it is important that you know what to tell your members before or during their call for help. You can find the Teacher's Rights Mini Guide online in Leader Resources.

- Contact your Association representative immediately and if you are a dues paying member, ask that a CTA Group Legal Services (GLS) attorney be appointed to help you immediately (this service is only available to dues paying members).

- Do not talk to the police or district officials about the allegations until your attorney is present. Do not give anyone – including your Association representative – details of the situation beyond the minimum needed to make the attorney referral, as anyone other than your lawyer or spouse may be called against you as a witness to what happened or what you said.

- Keep your own log of what happened and who else was present when any significant events related to the incident, allegations or investigation occurred.

- Do not be misled by district officials who say that "nothing will happen to you if you just explain the situation." All too often, words are misunderstood or misconstrued and good intentions to "explain what happened" lead to further – and very serious – problems.