



A School Leader's Guide to Difficult Personnel Meetings

What To Do In The First 24 hours

What to do at the meeting

What to do after the meeting

Strong working relationships between school leaders, their units, and the Central Office are essential to doing our work well. They are built on trust, professionalism, and a shared commitment to students. At the same time, effective leadership also requires a clear understanding of the role collective bargaining units play in safeguarding members' rights - especially when conversations become difficult.

Occasionally, you may be called to a Central Office meeting that carries higher stakes or uncertainty. In those moments, leaders must navigate a careful balance: maintaining professionalism and collaborative relationships, while also ensuring appropriate advocacy and support. This guide is designed to help you prepare for those situations—so you can approach them in an informed, composed, and confident manner.



When the Call Comes - *First Moves - What To Do In The First 24 hours*

If you receive notice that you are to report to the Central Office by letter or via unit leadership (usually your unit president), you should prepare to respond within 24 hours, even if the reason you are to report may be vague or unclear. In many instances you will receive short notice with the meeting scheduled to occur the following morning, or even the same day.

First, if you were not informed about the meeting by unit leadership, inform them about the meeting. Unit leadership may be able to informally determine the purpose of the meeting. It is important to understand that the District/BOCES is under no obligation to tell you the subject matter of the meeting in advance.

Second, you and/or unit leadership should contact your ESSAA attorney. ESSAA counsel can, among other things, walk you through the process and help you determine whether legal representation or unit representation at the meeting is advisable. If legal representation or unit representation is necessary and not available on short notice, you can request a reasonable adjournment of the meeting to permit legal or unit representation to attend.

Third, assume everything is discoverable. Preserve documents and communications immediately. Do not delete texts/emails/Teams messages, etc. and avoid "cleaning up" files. Doing so can create a basis for disciplinary charges.

This general guidance is not intended to replace the advice of unit leadership or counsel, but to give you familiarity with a few common reasons you may find yourself at a high stakes meeting and the support you can count on from ESSAA.

Always contact your ESSAA attorney if you have any questions.



What to do at the meeting

Either before the meeting or by the beginning of the meeting, you should have an understanding of the purpose of the meeting. Among other things, you could be called into the office **as a witness** in connection with an investigation, be called in **as the subject of an investigation**, be called in to be informed you are **not being recommended for tenure**, or **another reason** entirely.

Witness Interview If you are called in for a witness interview you will be asked questions about the behavior of another individual which could include a fellow unit member, a member of the teacher's unit, someone from central office, or otherwise. Also note, that if you are merely a witness and not the target of the investigation, you are not technically entitled to representation, but many districts as a matter of past practice will allow representation. You want to answer questions honestly and succinctly, but do not guess or make suppositions. There is nothing wrong with stating you don't recall, if you don't remember something, or stating you need to refer to some document to refresh your recollection. If you have any questions you can ask for a break to consult with unit or legal representation. The investigation may be conducted by someone from the Central Office or an outside law firm, usually depending on the severity of the conduct alleged. Also, you should inform the interviewer that, if at any time during the meeting, your answers make you a subject of investigation rather than a witness, you are to be informed of that fact immediately.

Personal Investigation If you are called in for a personal investigation about yourself, it is likely that you are the last person being called and that other witnesses have been interviewed previously. In connection with your interview, you should be aware of two legal rights.

Under **NLRB v. J. Weingarten, Inc.**, 420 U.S. 251 (1975) you have the right to request representation - if you have not requested representation prior to the meeting, you should absolutely do so as soon as you become aware you are the subject of the investigation. This is a topic you want to discuss with counsel prior to the meeting.

If you are a tenured administrator, you have "Cadet Rights." Think of them as the equivalent of the right not to testify against yourself in a criminal case. If you invoke them, and you are the target of the investigation, you generally can't be charged with insubordination for refusing to answer the question, although a negative implication may be drawn against you. As such, it is only recommended that the rights be invoked in very serious/criminal circumstances, after reviewing the matter with counsel. Pay careful attention to the questions, answer succinctly and do not be afraid to take a break to speak with unit leadership/counsel. If you do not recall an answer do not guess, do not attempt to fill a gap if you do not know the answer. If you aren't 100% certain about the facts or documents you are being questioned about, it is permissible to indicate you need to check your records and report back.

Tenure Denial Generally speaking these meetings are short and amount to little more than you being informed that you will not receive tenure. Rather than ask questions at that time, you should take the information, including any letter you may receive, and review everything with counsel

NEXT STEPS

What to do after the meeting

Witness Interview At the end of the meeting you will likely be instructed not to speak with anyone about what happened. You should follow the instructions and produce any documentation you may have offered during the course of the interview, or any documentation the District requested.

Personal Investigation At the end of the investigation you will likely be instructed not to speak with anyone about what happened and not to retaliate against anyone who provided information against you. It is imperative that you follow that directive. Failure to follow such a directive can be the basis of disciplinary charges, even if the matter being investigated is dropped. Additionally, to the extent that you offered additional documentation, or the District requested it, such documentation should be produced. At some point thereafter, the investigation will be concluded either with no further action, a counseling memo, or the District may move forward with disciplinary charges. You will need to speak with your ESSAA attorney to review next steps if charges are being threatened, or termination is being threatened or made.

Important note: As a probationary appointment, you do not have the protections offered by Education Law section 3020-a. Prior to receiving tenure, the District may terminate your employment without formal charges, although you may request the reasons for such termination.

Tenure Denial If you are denied tenure the District may be amenable to entering into a Juul agreement which permits you to continue your probationary period for another year. While districts usually require you to waive any claims you might have against the District, in almost every situation it is highly recommended to enter into the agreement as, at worst, you have a paid job search period and, at best, you have a substantial chance of being granted tenure at the end of the extended probationary period.

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