

Frequently Asked Questions—Member Services

A. What Is Member Services And What Can Member Services Do For Me?

Member Services staff will provide advice to teachers and administrators on a number of issues and concerns. Member Services executive staff officers are certificated teachers with a range of classroom, administrative and local leadership experiences. Teachers who have questions about their legal rights or responsibilities often call Member Services. For example, Member Services can assist in providing information if a teacher

- is dissatisfied with a proposed transfer
- is threatened with a suspension of teaching duties
- is threatened with termination of their contract of employment
- has received an unfavourable evaluation of their teaching practice

Member Services can also assist in providing information about contractual rights under the *School Act*. Teachers facing any of these situations should discuss their situation immediately with an executive staff officer in Member Services to ensure that their rights have not been violated. Making the call to Member Services before agreeing to any course of action is crucial in most situations.

B. Why Should You “Call Before You Dig”?

It is always best to be proactive. No question is a stupid question. Problems tend to remain much smaller when people seek advice long before the situation gets out of hand!

C. What Can I Expect When I Call?

When you call, you will be asked for your name, school, school board and a brief description of your issue. Your information will be passed along to the duty officer that day. If you are already working with an executive staff officer on a particular issue, please ask to speak to that person. If that person is unavailable, or if it is a new issue, ask to speak with the duty officer.

D. How Do I Access Member Services for Help or Advice?

There is no cost to speak with a staff officer in Member Services. Call one of the two following locations:

- Barnett House in Edmonton at 1-800-232-7208 (local calls–780-447-9400); or
Southern Alberta Regional Office (SARO) in Calgary at 1-800-332-1280 (local calls–403-265-2672).

E. Is My Call to Member Services Confidential?

All calls to Member Services are confidential. Member Services does not accept anonymous calls.

Initially, you will be asked your name, school, employing board and a brief description of your concern. Asking these questions helps ensure confidentiality and the proper handling of your case.

Once you are assigned a staff officer, your case will stay with that staff officer. No one, including the staff officer assigned, will investigate or take action on your behalf without your authorization.

The ATA is subject to the *Personal Information Protection Act* (PIPA). When you access Member Services, you are granting implied consent for staff to collect your personal information for the purpose of managing your case. The ATA's privacy policy can be found on our website. <http://www.teachers.ab.ca/Pages/Privacy%20Policy.aspx>

F. Who Can Call Member Services for Advice?

Member Services provides support and advice to all active ATA members. When you access services, the ATA will verify your identity and create records related to your case. If we do not know who you are, we cannot ensure that you are a member. It is unfair to members if we advise non-members, who do not pay for services.

G. What Kinds of Questions are Typically Handled by Member Service Staff?

Common types of calls include questions concerning the following topics.

1. Criminal/Assault

- If you are alleged to have assaulted a student, it is critical that you seek the assistance of an MEMBER SERVICES staff officer.
- If your principal does not insist that you call the ATA, be sure that you insist on calling the ATA before any discussion of the incident happens.
- Your school representative or a trusted colleague is NOT authorized to represent you or to take notes for you at a meeting.

An example of a question under this heading might include the following:

Criminal allegations have been made against me by the parents of a student who said I hit him. What should I do?

Call Member Services immediately. Do not explain your conduct to anyone until a staff officer or lawyer has reviewed the matter with you. No explanation is safe. Do not provide a written statement or provide explanations, until you have called Member Services. If you expect police

involvement, say only, “I am willing to speak with you after consultation with my lawyer” and call Member Services immediately. No one is obligated to speak with police without counsel.

2. Interpersonal Relations

- Professional relationships between colleagues can be among the most difficult issues to resolve. Assistance can also be provided with respect to appropriate processes when dealing with support staff and school volunteers.
- Member Services executive staff officers are trained to help de-escalate potential problems by providing proactive solutions before problems arise.
- Member Services executive staff officers will advise you of your responsibilities within the Code of Professional Conduct.
- Dealing with parents is becoming a key issue for teachers and school administrators. Member Services executive staff officers provide effective strategies for dealing with emergent situations, particularly with regard to school and parental rights under the *School Act*.

An example of questions under this heading might include the following:

I am having difficulties getting along with a teacher-colleague. What do you suggest I do?

Call Member Services for advice. We will help you review the situation and discuss your choices as well as make recommendations. Sometimes, if the situation impacts the functioning of the school, the Staff Relations Service may be appropriate. Do not send any letters or take any action until you have consulted with a Member Services staff officer.

A parent has complained about me to my principal. What can I do?

Keep a written record of the situation. Is administration supportive of you or do you have reason to believe that they may take disciplinary or employment action against you? What documentation is there? Get as much of the documentation as possible and call Member Services for assistance.

A parent is harassing or threatening me. What can be done?

Parental threats or assaults upon a teacher are criminal offences and are governed by the Criminal Code. The Canadian Human Rights Commission defines harassment as a form of discrimination. Parental harassment may therefore constitute a violation of the teacher’s human rights. In some instances, parental harassment may constitute a violation of Section 27 of the School Act. Employers have an obligation to protect their employees. Don’t try to handle threats or harassment issues alone. Call Member Services for advice.

3. Employment Information

Before accepting employment or resigning, it is wise to note the statutory timelines and to ask a Member Services staff officer to review the contract. Work related issues such as rights or duties of teachers can be reviewed with Member Services staff before further action is taken.

An example of questions under this heading might include the following:

I am being asked to sign a contract, but I have questions. What do I do?

Contracts are formal documents that are binding on the teacher and the board. Teachers are well advised to call Member Services for advice prior to signing a contract if they have questions or concerns.

Most teachers, particularly those just entering the profession or new to the province, will start employment with a board under a probationary contract, a provision introduced by the School Act 1988. Section 98 sets out the requirements. The contract must be for a complete school year, cannot be offered to someone employed by the board in the preceding school year (other than as a substitute or temporary contract teacher) and will terminate on the following June 30. If, at the end of the year, the employer's evaluation of the teacher so indicates and the teacher agrees, the probationary contract may be extended for an additional period not exceeding a second full year.

Some teachers may be employed by a board under a temporary contract of employment. This typically occurs when the teacher is replacing a teacher who is absent for more than 20 consecutive teaching days. A temporary contract will specify the date on which the teacher commences employment with the board and terminates on June 30 or on an earlier date provided for in the contract.

I want to resign from my contract. How much notice do I need to provide?

Teachers must provide 30 days notice in order to resign. No other board can employ a teacher until a proper resignation is in place. A verbal offer is not a legally binding contract.

4. Employer Action

- Members should consult with Member Services staff prior to responding to written reprimands or other employer discipline.
- The *School Act* provides teachers with statutory rights to appeal a transfer. These rights are bound by timelines.
- It is important to get advice regarding the status of your transfer before you accept it.
- Teachers facing suspension or termination by employers—through contract expiration or a personal decision-making process—should get advice before proceeding.

An example of a question under this heading might include the following:

I am being transferred to another school in the district. What can I do to appeal the decision?

The right of appeal in transfer situations is to the board and the teacher only has seven calendar days to initiate the appeal. It is important to call Member Services immediately as this is a time sensitive issue.

5. Teacher Evaluation

If you are being evaluated, you may wish to call Member Services to gain information about the appropriate processes involved and the possible outcomes. Member Services executive staff

officers offer consultations to school principals to ensure that the evaluation process is correct and fair.

An example of a question under this heading might include the following:

I am being evaluated and I do not think that the evaluation is fair. What should I do?

Evaluations must be conducted in accordance to Alberta Education Policy 2.1.5. Local boards will have policies dealing with a teacher's right to appeal. Teachers always have the right to respond to an evaluation and Member Services staff can provide assistance in preparing a response. Make sure you keep all documentation received during the course of an evaluation.

6. Medical

Member Services executive staff officers advise members on issues surrounding medical leave and return to work after medical leave.

An example of a question under this heading might include the following.

I have been on an extended medical leave and may be able to return to work on a part-time basis. What should I do?

Return to work plans varies from case to case. The insurance carrier, your employer and you all have an interest and an obligation in ensuring a successful return to work. Issues surrounding appropriate placement or other accommodations can be discussed. Contact Member Services for assistance.

7. Liability Matters

Teachers have a duty of care towards students. It is important to get advice regarding potential liability in such matters as school field trips, transportation of students and general school safety. Teachers' rights, responsibilities and legal liabilities include many issues that do not fall under the categories above. If you have a concern, it is wise to contact the ATA's Member Services program area.

Examples of questions under this heading might include the following:

I have been asked to drive students in my vehicle or in a school van. What should I do?

Our advice, leave the driving to the drivers. The standard of conduct expected of a teacher as a professional is much higher than the standard of conduct expected of a regular driver. The teacher is expected to be able to make decisions on a much broader scope than the driver and deal with matters that a driver would leave for a supervisor. The standard in law would also be higher in the event of an accident. Teachers who drive students do not replace one set of responsibilities for another, they add to their responsibilities.

Call Member Services whenever you are being directed to do things that you believe may not be a typical responsibility or duty of teachers.

I have been asked to attend a graduation party. Should I attend?

Teachers should restrict their involvement in graduations to school-based activities only. This would include the presentation ceremonies (whether they take place in the school or not) and a school-sponsored dance or other celebration activity that is adequately chaperoned, school sanctioned and protected by district insurance policies. Teachers should never become involved in planning or attending Safe Grad parties, bush parties with organized drivers, home parties or any other activity that may expose them to legal, financial and professional liability. If you have questions or concerns about this advice, please call a Member Services staff officer to discuss.

8. Legal Issues

- Members can consult with Member Services staff on a variety of issues from human rights to privacy legislation and how they impact a teacher's work.
- Member Services staff can be consulted on board policies, obligation to report, teacher obligations in custody matters or when called to testify.

An example of a question under this heading might include the following:

I have been asked by a parent's lawyer for information about a child's emotional state of mind when they have spent time with the other parent. What information must I provide?

*Teachers and other school personnel are well advised to avoid involvement in custody battles between parents. There is no obligation to provide any information unless directed by a court to do so. A lawyer's request is not a legal order. On those occasions when one is obliged to attend as a witness, it is important to be prepared with **factual information only** and to avoid being drawn into conclusions, especially in areas outside your expertise and training. Assistance and preparation to be a witness is available from the ATA if necessary.*

9. Professional Conduct

The professional discipline process is unfamiliar to most teachers; Member Services executive staff officers help to clarify the process and advise on those matters that should be referred for investigation and those which are best resolved between the parties concerned.

An example of a question under this heading might include the following:

I believe that a teacher has engaged in conduct that is unprofessional, what do I do?

Conduct of a member that is detrimental to the best interests of students, the public or the teaching profession may be unprofessional. Making a complaint of unprofessional conduct initiates a formal, legalistic process that can have very serious consequences for the member being investigated. Depending on the circumstances, a member found guilty of unprofessional conduct can face a range of penalties including a reprimand, a fine, a suspension or cancellation of membership, and a recommendation for suspension or cancellation of certification. Therefore, if you have concerns about the professional conduct of an ATA member you are well advised to contact the ATA's Member Services Program Area before initiating a formal complaint.