

What Do I Do If I Am Accused?

(Provided as a service of the Kanawha County Education Association)

We are working in a climate where any employee can be accused at any time of anything from sexual molestation to sexual harassment or abuse of a child. If you are accused, follow these steps.

Make no statement to anyone until you have a chance to talk to your WVEA representative. You can use this statement if someone asks to attend a meeting or to make a statement: *"I understand that you have a job to do, but in order to protect myself, I wish to have my representative present before I talk to anyone or make any statement."*

Then call your WVEA rep before doing anything else.

1. What if your principal asks you to write a statement of your version of the event?
See above statement.
2. Kanawha County is currently under a court order that if accusations are made against an employee, the Board is required to remove that person from the Board property pending an investigation. You will be told by your administrator that you have been suspended (with pay) pending an investigation and that you must leave school property. Please leave immediately. This helps protect you as well as the student. While on suspension, you can have no contact with your students and may not be on Board property.
3. An investigation will then take place. Jean Ann Herscher is the investigator for the school system and she will interview all those involved. Do not go for an interview with her without meeting with your WVEA representative first. Your rep will go to the interview with you. WVEA will represent with a lawyer if needed. Depending on the allegations, your rep may recommend that you do not make a statement. Understand that not speaking to anyone about the issue is in your best interest.
4. Once the investigation is completed, a recommendation will be made to the Superintendent that either disciplinary charges be instigated or that there are no findings. If there are no findings, you will be returned to work. If there is a recommendation of discipline, then you will be entitled to a disciplinary hearing in front of a hearing examiner with your representative present. Witnesses will be brought forward and you have a right to defend yourself at that time. Once the hearing is over, the examiner will make a recommendation to the Superintendent. Discipline is normally progressive with a letter of reprimand to suspension to termination depending on the severity of the charge.
5. If discipline such as termination is imposed by the Superintendent, you still have a right file a grievance directly to Level IV which is the Grievance Board.
6. If a parent/student files a complaint against you, they may also file a complaint with the police and the Child Protective Services. Make NO STATEMENT to anyone from these agencies. Talk to your rep first. While your first reaction is always to defend yourself, sometimes talking is the worst thing that you can do.
7. Be aware that if you are suspended or terminated, the State Department may ask that your teaching license be revoked. You would be entitled to a hearing on that issue also

For further information or if you have questions, please call WVEA Help Center @ 1-866-568-9832. Remember – make no statement until you talk to your WVEA representative.