

DAVID Y. IGE  
GOVERNOR



DOUGLAS S. CHIN  
ATTORNEY GENERAL  
  
RUSSELL A. SUZUKI  
FIRST DEPUTY ATTORNEY GENERAL

**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
EMPLOYMENT LAW DIVISION  
235 SOUTH BERETANIA STREET, 15TH FLOOR  
HONOLULU, HAWAII 96813  
(808) 587-2900

April 7, 2016

TO: Lance A. Mizumoto, Chairperson  
Board of Education

THROUGH: Douglas S. Chin *DSCh*  
Attorney General  
James E. Halvorson *JH*  
Supervising Deputy Attorney General

FROM: Jeffrey A. Keating *JK*  
Deputy Attorney General

RE: Audit of Department of Education's Department Directed Leave and Leave  
Pending Investigation Process and Procedures; MID No. 15-19594

**I. BACKGROUND**

By letter dated December 28, 2015, you requested that the Department of the Attorney General perform an audit of the process and procedures that the Department of Education (DOE) uses for Department Directed Leave (DDL) and Leave Pending Investigation (LPI). See Exhibit A. Attorney General Doug Chin assigned the Employment Law Division (ELD) to conduct the audit.

The DOE provided us with background documents to review relevant to the audit including investigation and decision making manuals and collective bargaining agreements. Further, as part of the audit, we met with a number of individuals from the DOE involved in the investigation process and procedures including: Barbara Krieg, Nanette Hookano, and Neil Dietz (Office of Human Resources (OHR)) and Beth Schimmelfennig (Civil Rights Compliance Office (CRCO)).

In summary, the audit revealed that DOE investigations are not centralized with the vast majority of the investigations occurring at the school level. Therefore, it is essential that the individuals conducting the investigations are properly trained in conducting investigations. To address this issue, Nanette Hookano of the DOE has now provided training to every DOE principal and vice-principal to make sure they know the proper investigation process and procedures.

For more serious investigations and civil rights investigations it is apparent that the staffing for investigations at both the OHR and the CRCO are seriously understaffed. From the employment law division perspective the backlog in the CRCO is especially troubling because this is the primary area of court litigation with significant monetary exposure.

The audit revealed that the DOE investigation and decision making manuals are fine. However, it does appear that the manuals do contain many templates for letters and over-use of these templates may result in a lack of critical thinking. DOE should encourage their employees conducting investigations to not overly rely on templates at the expense of critical thinking.

The audit also revealed that previously there may have been some confusion within the DOE as to whether parental consent to interview students is required. We have now made clear to DOE that parental consent to interview students is not required and this should allow investigations to be processed more expeditiously. However, we also advise that best practices would include notification of a parent that a student has been interviewed, especially younger students so that the parent does not get overly anxious when their child comes home and says they were called into the vice principal's office.

Another misunderstanding we encountered is what can the investigator do if the subject or complaining witness is unavailable or uncooperative. Generally speaking an employee whether subject of an investigation or mere witness can be ordered to answer questions and failure to answer is insubordination subject to disciplinary action. If a non-employee complainant is uncooperative they can be advised that we will conclude our investigation based on the information available. If the subject of an investigation or witness is unavailable because of a health issue (Dr.'s note indicating the person cannot be interviewed) it is a judgment call as to whether to conclude the investigation based on available information, wait for the person to be available, or reopen the investigation upon availability.

Additionally, the BOE had raised concerns about employees being placed on DDL or LPI when the facts and circumstances of the allegations did not warrant placing the employee out of work with pay.

The standard used by the DOE to place certificated employees out of work on DDL or LPI is set forth in DOE Regulation #5411 and states in relevant part, "The immediate supervisor may, in the best interests of the students or for the good of the Department, immediately relieve an employee by placing the employee on leave with pay for a period not to exceed 10 working days. Further leave may be authorized by the Superintendent." See Exhibit B.

The BOE requested that the DOE consider a higher standard for placing employees out of work on leave with pay pending investigation, i.e., the same or similar standard of the Los Angeles Unified School District. The L.A. school district standard states that employees will only be placed out of work on leave with pay when the safety of students, schools or work places

is clearly at risk, e.g., credible allegations of sexual misconduct involving children, allegations of serious criminal acts or acts of workplace violence that threaten or result in serious injury. In addition, there may be occasions where the continued presence of the subject of an investigation in the work place would interfere with the ability of the investigator to conduct the investigation.

Another issue that the BOE requested that we review is what information would be provided to the employee who is placed out of work on DDL or LPI. The answer to this question can be found in the respective collective bargaining agreements (CBAs). See Exhibit B.

For example for the UPW CBAs, the employee shall be provided with written notice of the specific reason for placing the employee out of work, available facts supporting the reason, and the effective date of the leave.

For the HGEA CBAs, the employee is also provided with written notice including the reason and available facts for placing the employee on leave, the effective date of the leave, and why the presence of the employee at the work site is deemed detrimental to the conduct of the investigation or to the workplace.

For the HSTA CBA, any serious complaint or any repeated minor complaint concerning a teacher shall be reported immediately to the teacher by the supervisor receiving the complaint. Further, for a serious complaint, the teacher is provided with the opportunity to meet with the complainant.

Once an investigation is complete and the employer intends to take adverse personnel action against the subject of the investigation, due process generally requires the employee against whom action is contemplated to be provided with a copy of the complete investigation.

If no adverse personnel action is contemplated the subject should be told the investigation is complete and no further action is warranted. In this situation, we would not advise turning over the investigation in its entirety for two reasons. One, if persons being interviewed during an investigation know their statements will be made public it could have a chilling effect on their participation. While this is also true in cases where there is an adverse personnel action being considered, the due process rights outweigh the confidentiality considerations. Also redaction in these types of investigations is generally ineffective because eyewitness accounts are such that it is readily determined who the witness is from the context and content of the statement. Two, release of witness statements increases the risk of retaliation.

Once an investigation based on someone's complaint is completed the complaining party should not be given a copy of the investigation but should be told the investigation has been completed and appropriate administrative action has or will be taken.

One other area of concern is what if anything should be announced publicly about employees who have been put on DDL or LPI, especially administrators. This is an area that should be addressed on a policy level that should probably include participation by the Office of Information Practices and the respective unions.

## II. RECOMMENDATION

We would recommend that the DOE continue to emphasize the expeditious processing of investigations. Further, we recommend that the DOE continue to more closely monitor when employees are placed out of work on DDL or LPI to make sure that this only occurs when there are legitimate concerns as to the safety of students and/or staff.

DOE should be commended for the following: (1) reducing the total number of open cases; (2) reducing the length of time it takes to process investigations; and (3) for reducing the number of employees who are placed out on DDL or LPI.

We further recommend that the BOE follow up with the DOE on an annual or semi-annual basis to confirm that the progress that has been made is not lost. While continued training efforts should be made to ensure school level investigations are properly done, there also needs to be an increase in staffing for both OHR and CRCO to reduce the backlog of these generally more serious and higher financial exposure cases.

We also recommend that guidelines or directives be issued to remind those doing investigations about interviewing students and school officials about their obligations on notifications under the various collective bargaining agreements.

DAVID Y. IGE  
GOVERNOR



LANCE A. MIZUMOTO  
CHAIRPERSON

STATE OF HAWAII  
BOARD OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

December 28, 2015

VIA EMAIL (DOUGLAS.S.CHIN@HAWAII.GOV)

Douglas Chin  
Attorney General of the State of Hawaii  
Department of the Attorney General  
425 Queen Street  
Honolulu, Hawaii 96813

Re: Audit of Department of Education's Department Directed Leave and Leave Pending Investigation process and procedures

Dear Mr. Attorney General:

As the chairperson of the Board of Education ("Board"), I would like to request that the Department of the Attorney General perform an audit of the process and procedures that the Department of Education uses for Department Directed Leave ("DDL") and Leave Pending Investigation ("LPI"). This audit should include a review to determine whether the process and procedures used are in compliance with all applicable laws and best practices, and if not, the corrective actions that should be taken.

Please let me know when this audit will be completed and when the results provided to the Board.

Feel free to contact Alison Kunishige, Board Executive Director at (808) 586-3334 if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Lance A. Mizumoto".

Lance A. Mizumoto  
Chairperson  
Board of Education

cc: Kathryn Matayoshi, Superintendent, Department of Education (via e-mail)  
Holly Shikada, Deputy Attorney General, Education Division (via e-mail)

Exh A

CBA References to "Leave Pending Investigation"

<u>UNION</u>	<u>BU</u>	<u>CBA SECTION</u>
UPW	1	Section 11A (CBA p.10)
HGEA	2	Article 42, Section K (CBA p.79)
HGEA	3	Article 40, Section K (CBA p. 77)
HGEA	4	Article 40, Section K (CBA p. 74)
HSTA	5	(DDL not addressed in CBA)
HGEA	6	(DDL not addressed in CBA)
HGEA	9	Article 46, Section K (CBA p. 71)
UPW	10	Section 11A (CBA p.10)
HGEA	13	Article 41, Section K (CBA p. 76)

**SECTION 11A. LEAVE PENDING INVESTIGATION OF CHARGES.**

**11A.01**      **INVESTIGATION.**

When an investigation of charges against an Employee is pending and the Employee's presence at the workplace is deemed to be detrimental to the conduct of the investigation or the operations of the workplace, the Employer may place the Employee on a leave of absence without pay pending investigation as follows:

**11A.01 a.**      The Employee, who is placed on a leave of absence without pay pending investigation, and the Union shall be given written notice within forty-eight (48) hours after the action is taken.

**11A.01 b.**      The written notice shall include the specific reason(s) for placing the Employee on leave of absence without pay pending investigation, available facts supporting the reason(s), and the effective date of the leave of absence without pay pending investigation.

**11A.01 c.**      The leave of absence without pay pending investigation shall be for the length of time necessary to conclude the investigation, but not exceeding thirty (30) days. In the event the investigation exceeds thirty (30) days, the Employer may exercise its options as provided in Section 11A.02.

**11A.01 d.**      After the investigation ends, the Employee who has been placed on leave of absence without pay pending investigation shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending investigation if the Employee is cleared by the investigation or the charge is dropped or not substantiated.

**11A.01 e.**      In the event, the Employee is suspended the Employer may consider applying any portion of the leave of absence without pay pending investigation towards fulfilling, in whole or in part, the suspension.

**11A.01 f.**      In the event the Employee is discharged, the Employee shall not be granted any back pay or restored with any rights and benefits for the leave of absence without pay pending investigation.

**11A.02**      **OPTIONS.**

**11A.02 a.**      Whenever an investigation of charges against an Employee is pending, the Employer shall have the option to:

**11A.02 a.1.**      Retain the Employee at work,

**11A.02 a.2.**      Place the Employee on leave of absence with pay,

**11A.02 a.3.**      Return the Employee to work from the leave without pay pending investigation,  
or

**11A.02 a.4.**      Reassign the Employee to a temporary workplace in the same or different position.

**11A.02 b.**      The decision of the Employer shall be for the length of time necessary to conclude the investigation.

**ARTICLE 42 - OTHER LEAVES OF ABSENCE**

**K. Leave Pending Investigation of Charges.**

1. Whenever an investigation of charges against an Employee is pending and the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place, the Employee may be placed on a leave of absence without pay pending investigation subject to the following:

a. The Union and the Employee who is placed on the leave without pay pending an investigation shall be given written notice within forty-eight (48) hours after such action is taken. The written notice shall provide an explanation, including available facts, on why the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place and the effective date of the leave of absence without pay pending an investigation.

b. The period of leave of absence without pay pending an investigation shall be for such length of time as may be necessary to conclude the investigation, but not exceeding thirty (30) days. In the event the investigation exceeds thirty (30) days, the appointing authority may exercise its options provided in subparagraph K 2.

c. If the Employee who has been placed on leave of absence without pay pending investigation is cleared of all charges or if the charges are dropped or not substantiated, the Employee shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending an investigation.

d. Disciplinary or discharge action resulting from an investigation of charges.

1) In the event a suspension is warranted, the Employer may consider any portion of the period of the leave of absence without pay pending an investigation towards fulfilling, in whole or in part, the disciplinary action considered appropriate by the Employer. The Employee shall be reinstated without loss of pay and benefits for any portion of the period of the leave of absence without pay which has not been considered towards fulfilling the disciplinary action.

2) In the event a discharge is warranted, the Employee shall not be granted any back pay or restored with any rights and benefits for the period of the leave of absence without pay pending an investigation.

2. Notwithstanding the foregoing, whenever an investigation of charges against an Employee is pending, the Employer shall have the discretion to:

- a. retain the Employee in active duty status;
- b. place the Employee on leave of absence with pay;
- c. return the Employee to active duty status from leave without pay pending an investigation; or,
- d. reassign the Employee to another work unit or area and in the same or different capacity.

The action shall be for the length of time as may be necessary to conclude the investigation.

**ARTICLE 40 - OTHER LEAVES OF ABSENCE**

**K. Leave Pending Investigation of Charges.**

1. Whenever an investigation of charges against an Employee is pending and the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place, the Employee may be placed on a leave of absence without pay pending investigation subject to the following:

a. The Union and the Employee who is placed on the leave without pay pending an investigation shall be given written notice within forty-eight (48) hours after such action is taken. The written notice shall provide an explanation, including available facts, on why the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place and the effective date of the leave of absence without pay pending an investigation.

b. The period of leave of absence without pay pending an investigation shall be for such length of time as may be necessary to conclude the investigation, but not exceeding thirty (30) days. In the event the investigation exceeds thirty (30) days, the appointing authority may exercise its options provided in subparagraph K.2.

c. If the Employee who has been placed on leave of absence without pay pending investigation is cleared of all charges or if the charges are dropped or not substantiated, the Employee shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending an investigation.

d. Disciplinary or discharge action resulting from an investigation of charges.

1) In the event a suspension is warranted, the Employer may consider any portion of the period of the leave of absence without pay pending an investigation towards fulfilling, in whole or in part, the disciplinary action considered appropriate by the Employer. The Employee shall be reinstated without loss of pay and benefits for any portion of the period of the leave of absence without pay which has not been considered towards fulfilling the disciplinary action.

2) In the event a discharge is warranted, the Employee shall not be granted any back pay or restored with any rights and benefits for the period of the leave of absence without pay pending an investigation.

2. Notwithstanding the foregoing, whenever an investigation of charges against an Employee is pending, the Employer shall have the discretion to:

- a. retain the Employee in active duty status;
- b. place the Employee on leave of absence with pay;
- c. return the Employee to active duty status from leave without pay pending an investigation; or,
- d. reassign the Employee to another work unit or area and in the same or different capacity.

The action shall be for the length of time as may be necessary to conclude the investigation.

**ARTICLE 40 - OTHER LEAVES OF ABSENCE**

**K. Leave Pending Investigation of Charges.**

1. Whenever an investigation of charges against an Employee is pending and the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place, the Employee may be placed on a leave of absence without pay pending investigation subject to the following:

a. The Union and the Employee who is placed on the leave without pay pending an investigation shall be given written notice within forty-eight (48) hours after such action is taken. The written notice shall provide an explanation, including available facts, on why the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place and the effective date of the leave of absence without pay pending an investigation.

b. The period of leave of absence without pay pending an investigation shall be for such length of time as may be necessary to conclude the investigation, but not exceeding thirty days. In the event the investigation exceeds thirty days, the appointing authority may exercise its options provided in subparagraph K2.

c. If the Employee who has been placed on leave of absence without pay pending investigation is cleared of all charges or if the charges are dropped or not substantiated, the Employee shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending an investigation.

d. Disciplinary or discharge action resulting from an investigation of charges.

1) In the event a suspension is warranted, the Employer may consider any portion of the period of the leave of absence without pay pending an investigation towards fulfilling, in whole or in part, the disciplinary action considered appropriate by the Employer. The Employee shall be reinstated without loss of pay and benefits for any portion of the period of the leave of absence without pay which has not been considered towards fulfilling the disciplinary action.

2) In the event a discharge is warranted, the Employee shall not be granted any back pay or restored with any rights and benefits for the period of the leave of absence without pay pending an investigation.

2. Notwithstanding the foregoing, whenever an investigation of charges against an Employee is pending, the Employer shall have the discretion to:

- a. retain the Employee in active duty status;
- b. place the Employee on leave of absence with pay;
- c. return the Employee to active duty status from leave without pay pending an investigation; or,
- d. reassign the Employee to another work unit or area and in the same or different capacity.

The action shall be for the length of time as may be necessary to conclude the investigation.

**ARTICLE 46 - OTHER LEAVES OF ABSENCE**

**K. Leave Pending Investigation of Charges.**

1. Whenever an investigation of charges against an Employee is pending and the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place, the Employee may be placed on a leave of absence without pay pending investigation subject to the following:

a. The Union and the Employee who is placed on the leave without pay pending an investigation shall be given written notice within forty-eight (48) hours after such action is taken. The written notice shall provide an explanation, including available facts, on why the Employee's presence at the work site is deemed by the Employer to be detrimental to the proper conduct of the investigation or the operations of the work place and the effective date of the leave of absence without pay pending an investigation.

b. The period of leave of absence without pay pending an investigation shall be for such length of time as may be necessary to conclude the investigation, but not exceeding thirty (30) days. In the event the investigation exceeds thirty (30) days, the appointing authority may exercise its options provided in subparagraph K.2.

c. If the Employee who has been placed on leave of absence without pay pending investigation is cleared of all charges or if the charges are dropped or not substantiated, the Employee shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending an investigation.

**d. Disciplinary or Discharge Action Resulting From an Investigation of Charges.**

1) In the event a suspension is warranted, the Employer may consider any portion of the period of the leave of absence without pay pending an investigation towards fulfilling, in whole or in part, the disciplinary action considered appropriate by the Employer. The Employee shall be reinstated without loss of pay and benefits for any portion of the period of the leave of absence without pay which has not been considered towards fulfilling the disciplinary action.

2) In the event a discharge is warranted, the Employee shall not be granted any back pay or restored with any rights and benefits for the period of the leave of absence without pay pending an investigation.

2. Notwithstanding the foregoing, whenever an investigation of charges against an Employee is pending, the Employer shall have the discretion to:

- a. retain the Employee in active duty status;
- b. place the Employee on leave of absence with pay;
- c. return the Employee to active duty status from leave without pay pending an investigation; or,
- d. reassign the Employee to another work unit or area and in the same or different capacity.

The action shall be for the length of time as may be necessary to conclude the investigation.

**SECTION 11A. LEAVE PENDING INVESTIGATION OF CHARGES.**

**11A.01 INVESTIGATION.**

When an investigation of charges against an Employee is pending and the Employee's presence at the workplace is deemed to be detrimental to the conduct of the investigation or the operations of the workplace, the Employer may place the Employee on a leave of absence without pay pending investigation as follows:

- 11A.01 a.** The Employee, who is placed on a leave of absence without pay pending investigation, and the Union, shall be given written notice within forty-eight (48) hours after the action is taken.
- 11A.01 b.** The written notice shall include the specific reason(s) for placing the Employee on leave of absence without pay pending investigation, available facts supporting the reason(s), and the effective date of the leave of absence without pay pending investigation.
- 11A.01 c.** The leave of absence without pay pending investigation shall be for the length of time necessary to conclude the investigation, but not exceeding thirty (30) days. In the event the investigation exceeds thirty (30) days, the Employer may exercise its options as provided in Section 11A.02.
- 11A.01 d.** After the investigation ends, the Employee who has been placed on leave of absence without pay pending investigation shall be reinstated without loss of pay and all rights and benefits will be restored as though the Employee had not been on leave of absence without pay pending investigation if the Employee is cleared by the investigation or the charge is dropped or not substantiated.
- 11A.01 e.** In the event, the Employee is suspended, the Employer may consider applying any portion of the leave of absence without pay pending investigation towards fulfilling, in whole or in part, the suspension.
- 11A.01 f.** In the event the Employee is discharged, the Employee shall not be granted any back pay or restored with any rights and benefits for the leave of absence without pay pending investigation.

**11A.02**      **OPTIONS.**

**11A.02 a.**      Whenever an investigation of charges against an Employee is pending, the Employer shall have the option to:

**11A.02 a.1.**      Retain the Employee at work,

**11A.02 a.2.**      Place the Employee on leave of absence with pay,

**11A.02 a.3.**      Return the Employee to work from the leave without pay pending investigation,  
or

**11A.02 a.4.**      Reassign the Employee to a temporary workplace in the same or different position.

**11A.02 b.**      The decision of the Employer shall be for the length of time necessary to conclude the investigation.

2) In the event a discharge is warranted, the Employee shall not be granted any back pay or restored with any rights and benefits for the period of the leave of absence without pay pending an investigation.

2. Notwithstanding the foregoing, whenever an investigation of charges against an Employee is pending, the Employer shall have the discretion to:

- a. retain the Employee in active duty status;
- b. place the Employee on leave of absence with pay;
- c. return the Employee to active duty status from leave without pay pending an investigation; or,
- d. reassign the Employee to another work unit or area and in the same or different capacity.

The action shall be for the length of time as may be necessary to conclude the investigation.

Leaves of Absence - Special  
Short-Term Leaves With Pay (continued)

J. Pre-Induction Physical Examination Leave

An employee is eligible for leave with pay to undergo physical examination prior to induction into the armed forces.

K. Department-Directed Medical Reexamination

When a medical reexamination is directed by the Department, the employee concerned shall be granted leave with pay for the period involved.

L. Department-Directed Leave

The immediate supervisor may, in the best interest of the students or for the good of the Department, immediately relieve an employee by placing that employee on leave with pay for a period not to exceed 10 working days. Further leave may be authorized by the Superintendent.

M. Family Leave

An employee may be granted family leave due to the birth of an employee's child, adoption of a child, or for care of an employee's immediate family member with a serious health condition which is defined as an acute, traumatic, or life-threatening illness; injury; or impairment which involves treatment or supervision by a health care provider. The employee is entitled to four (4) weeks (equivalent to 20 workdays) of leave taken consecutively or intermittently during the school year. Family leave is not cumulative from year to year. Employees may use accumulated sick leave or vacation leave or a combination of these leaves for this requested leave with pay. Family leave without pay may also be requested by using existing leave without pay procedures provided for in Procedure #5401.1.

AGREEMENT  
BETWEEN THE



HAWAII STATE  
TEACHERS ASSOCIATION

AND THE



STATE OF HAWAII  
BOARD OF EDUCATION  
July 1, 2013 - June 30, 2017

Teachers who work after hours shall have access to a telephone for emergency use provided that such access shall preserve the security of school property and shall not require expenditure of additional funds.

The Employer shall either reimburse a teacher for the reasonable value, or pay for the actual cost of repair of personal clothing (excluding accessories and footwear), prescription glasses (maximum reimbursement: \$80 total or \$40 for lens, \$40 for frame) and watches (maximum reimbursement: \$75) which are maliciously damaged or destroyed by another person while the teacher is acting without negligence and within the scope of his duties and responsibilities and in the course of his employment. The cost of an eye examination shall be reimbursed to a teacher whenever there is no available optical dispenser to accept existing prescriptions without a new examination (maximum reimbursement: \$50). The Employer shall review the existing procedures in consultation with the Association.

- D. Any serious complaint or any repeated minor complaint, including anonymous complaints concerning a teacher, shall be reported immediately to the teacher by the supervisor receiving the complaint. The use of complaints and the filing of said complaints shall be covered by Article IX - Personnel Information.

Any teacher against whom a serious complaint has been filed will have the opportunity to meet with the complainant(s). At the teacher's request, the supervisor shall be present at such a meeting. The supervisor shall call the complainant(s) for a meeting at a mutually acceptable time by the teacher, the complainant(s) and the supervisor.

- E. If a teacher's presence is required at a conference where a private attorney is in attendance, the teacher may request legal representation from the Attorney General's Office.

No recording device shall be used nor a transcription taken without the knowledge of the teacher at conferences.

Teachers may request the use of administrative facilities for the purposes of holding conferences involving outside personnel.

- F. Except as provided for in Article IV, Section B - Association Representatives, requests by non-school personnel or students not enrolled in that school to visit a teacher's classroom/work area shall be granted by the principal or other immediate supervisor only in an emergency or when no other arrangement can be made as determined by the principal or other immediate supervisor. Reasonable effort will be made to notify the teacher of visitors prior to sending them to the classroom/work area.