



Faculty Right to Representation (Weingarten Rule)

All full-time faculty members at The University of Scranton have the opportunity to invoke the right to have a union officer present during any meeting or investigatory interview in which there is a reasonable expectation that the meeting may result in discipline, termination, or a change in working conditions. Examples of such meetings or interviews are when a faculty member is named as a respondent in a Title IX investigation or when the disciplinary procedure is invoked (Appendix XI of the Faculty Handbook). This right is based on the U.S. Supreme Court in the 1975 in *NLRB v. J. Weingarten, Inc.* case.

What can the union representative do for me?

Prior to the investigatory interview, the union representative will review the pertinent section(s) of the Faculty Handbook, Faculty Contract, or policy with you. The union representative will discuss your case with you and offer advice and counsel regarding the investigatory process. During the investigatory interview, the union representative will clarify the charge against the faculty member and the exact behavior(s) that are under investigation. The union representative may request a private caucus with the faculty member at any time during the investigatory interview. The union representative may speak during the investigatory interview and may clarify specific sections of the Faculty Handbook, Faculty Contract, or university policy. The union representative may also request that the investigator restate or clarify questions being asked and may insist that questions be narrowed only to the subject under investigation. After the question is asked, the union representative may give advice to the faculty member on how to answer the question, but may not tell the faculty member to remain silent unless the questioning is abusive, misleading, or harassing. The union representative may not, in any circumstances, bargain over the purpose of the investigation and may not interfere with the employer's right to discipline employees.

What if I don't want a union representative at first, but then change my mind?

Full time faculty members have the right to request union representation at any stage in the investigatory process. To invoke Weingarten rights, the faculty member should simply say:

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I respectfully request that my union representative (officer), be present at this meeting.

Until my representative arrives, I choose not to participate in this discussion.”

What if I want a union representative at first, but then change my mind?

If a full time faculty member requests that a union representative be present during an investigatory interview, but later refuses representation, the union representative must leave.

What if I request union representation and the administration refuses?

Once Weingarten rights are invoked, the employer may not refuse to allow the union representative to be present. If this occurs, the full time faculty member has the right to remain silent and should contact a union officer.

Can I suffer any harm to asking for union representation?

No. It is unlawful for an employer to discipline an employee for requesting a Weingarten representative.

How should I inform my union representative(s) that I want them to represent me?

If you are asked to attend a meeting in which discipline is a reasonable outcome and you would like to have a Weingarten representative present, simply call or email the chair of the Faculty Affairs Council.