



## TEXAS COMMUNITY COLLEGE TEACHERS ASSOCIATION

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# *TCCTA Legal Assistance Philosophy and Procedures*

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The Texas Community College Teachers Association is committed to the principles of academic freedom and due process of law. If a member of the Association feels that he or she has been dealt with in an unlawful manner, the member will be provided access to the best information available concerning academic defense issues and grievance matters. Further, after evaluating the specific circumstances in the case, the TCCTA Executive Committee might refer the matter to the Association's attorneys for additional consultation and assistance, at no personal cost to the member.

During the past five years, TCCTA members from more than 73 campuses have received legal assistance at Association expense. The nature of that assistance has ranged from a single telephone consultation with an Association attorney to the filing of a lawsuit in a federal court. More than \$300,000 of the Association's resources have been expended for investigation, consultation, and representation in various grievance matters.

Given TCCTA's limited financial resources and the high cost of providing expert legal assistance, it is important that the legal merits of each case be carefully examined and objectively assessed. It is important, also, that each member requesting assistance understand both the Association's philosophy on legal assistance and the manner in which individual cases are evaluated and processed.

Most grievance cases can—and should—be resolved without resorting to formal legal action. TCCTA's State Office stands ready to act as an interested, but detached, "third party" to disputes and to assist all concerned in establishing the facts, clarifying legal principles and generally accepted practices, and offering informal advice regarding possible resolution of issues in conflict. The aggrieved member should realize, however, that many grievance cases involve treatment of faculty which might be patently unfair and unreasonable, but which is not necessarily *unlawful*. In such cases, TCCTA may be able to serve as an informal ombudsman and advocate on behalf of the member's interests. As a practical matter, though, obvious limitations of resources do not permit the Association to pursue such cases in the legal arena when it appears that no *legal* remedy exists.

Grievance cases which are determined to involve substantial

legal issues will be referred to the Association's attorneys for written opinions and possible legal action. In accepting referral to TCCTA attorneys, the member gives consent for the attorneys to share their opinions and analysis of the member's case with Association officials.

The Association relies heavily upon the advice and recommendations of its attorneys who are recognized experts on school law and teachers' rights. Understandably, the services of such specialists are costly, and the expense related to legal proceedings will normally be incurred only when a case is determined to have legal merit. Additionally, it has been found that a member's interests are not well-served if the member is receiving legal counsel from two or more different law firms or advocacy organizations. Thus, if a member decides to seek a second opinion (from other attorneys or another organization), the member is obligated to inform the TCCTA State Office of that intention, in which event the Association and its attorneys reserve the right to withdraw from the case.

After an evaluation of the case has been completed by Association attorneys, the TCCTA Executive Committee will determine whether or not any further legal action is warranted. If a decision is made to pursue the matter further, the Association's attorneys will be in control of the case, determining the nature of the action to be taken. Legal fees incurred will be borne by the Association. In the event the member's legal expenses are subsequently reimbursed (*e.g.*, from insurance policy payment or monetary settlement) or if the member is awarded monetary damages, the member may be required to reimburse TCCTA for expenses incurred up to the limit of the payment received by the member.

If a member is not satisfied with the manner in which the case has been handled, that dissatisfaction should be expressed directly to the TCCTA Executive Committee by summarizing the complaint in writing.

The Association has earned a reputation for fairness, discretion, and effectiveness in assisting its members in grievance matters. Consistent with the philosophy and procedures outlined above, the Association stands ready to provide its members with informed counsel and advice about their specific circumstances while maintaining high standards of professionalism and confidentiality.