



## **Position Paper:** Bargaining Unit Members Being Insubordinate to Their Administrators

Have you ever been asked to do something by an administrator and you just didn't believe it to be something that you should contractually have to do? Most bargaining unit members will say yes to this question pretty quick into their careers. Here are some rights that you have and some important information to know before answering your administrator's request.

"You know, it really would be safer for our students if we had a teacher out in the crosswalk down the street from school.", says Principal X. "I'd like you to go down there as soon as you let your students out and make sure that all of our students get across the street safely. Can ya' do that for me?"

What do you do in a situation like that? Your principal has just told you to go off campus, hang out in the crosswalk and make sure that students cross safely. How long is this going to take? How many assignments could you have graded in that amount of time? Is this in your job description? Do you have to do this?

Here's a hint about the sneaky way this can happen. If you didn't notice a mistake in my second sentence above, you fell for it. Your principal didn't *tell* you to do anything! S/He simply *asked* you to do this wonderfully kind thing. Since your contract doesn't say anything about the need for you to go off campus and supervise students crossing the street, the best thing to do is to politely say no. You are not being insubordinate in any way.

"Oh, but it really is in the best interest of the kids. Can't you just do it for a few days while it's raining this winter?" your principal tries again.  
"It probably would be safer for the students if someone was out there," you reply. "That would be a great volunteer job for a parent," you suggest as you politely excuse yourself to go grade papers or conference with a parent.

"Excuse me, but I'm now telling you to do this," states your principal. "Is that a mandate?" You ask, explaining that it is not something that is required in your contract and you will be speaking to your association site representative.

"Yes, that is a direct order," clarifies your principal. Now, you have two options. One is to run to your association site rep to get immediate help and claim that he was endangering your life by forcing you to supervise the crosswalk and the other is to supervise the students at that moment and then speak to your association site rep about filing a grievance.



In order for you to not be insubordinate, you must do whatever your administrator directly orders you to do so long as it does not endanger yourself, someone else or property or if it violates some other state or federal law. If you use your best judgment, you will usually prevail. If your gut is telling you that this is *just wrong*, don't do it. Supervising a student alone in the restroom would be a pretty good example. Tackling a student who is suspected of stealing something from the office is another. Performing a medical procedure on a student such as intubations or changing a catheter as an untrained, classroom teacher is yet another. These types of things just shouldn't be done and you shouldn't be forced to do these things.

If, however, your administrator tells you that you must stay for the extra long staff meeting, that you must provide a homework packet for a student that will be gone for the next four weeks and it has to be ready in the next twenty minutes or that you have to supervise the hallway even though it's your duty-free lunch, you should tell your administrator that you are doing this "under protest" and complete the task. (since it's not going to physically hurt you) Then, go speak to your association site representative and ask about filing a grievance.

"If it won't kill you: do it now, grieve it later." is a saying that we use in the California Teachers Association to remind ourselves not to be insubordinate. While this is an oversimplification, it will help you get through those odd times that border on a possible contract violation.

Things to remember:

1. If a principal asks you to do something and you do it, we could have a difficult time grieving it – the district will argue that you volunteered for it. **MAKE SURE** that your principal is giving you a direct order.
2. If it is a direct order, make sure to tell your principal that you are doing this "under protest." This makes it very clear to your administrator that you feel this is not something that is required under the contract.
3. If the direct order by your administrator is something that could potentially harm yourself, someone else or property, or is illegal – do not do it! You **WILL NOT** be insubordinate if you refuse to follow a direct order that can cause harm or is illegal.