

JEA Position on “Just Cause” Language Inclusion in SDJ Board Policy and SDJ Employee Handbook

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The Janesville Education Association (JEA) supports including “just cause” language in the SDJ employee handbook and School District of Janesville (SDJ) board policy. The JEA believes that fairness is a core American value and that just cause is a model of fairness and due process that should be afforded all employees. The inclusion of just cause language sends a strong message to all teachers, staff and prospective employees that they will be treated fairly in any discipline case in the School District of Janesville.

Just cause language benefits the SDJ by:

- Sending a strong message to all teachers and staff that they will be treated fairly
- Creating a balance of accountability among teachers, staff and administration
- Creating a higher standard for discipline of employees, helping to retain and attract the best employees and modeling fairness for other school districts
- Not tolerating a culture of fear in its schools
- Encouraging teachers and staff who are fully invested and passionate about their work—not teachers and staff who are unsure about their job security
- Protecting teachers and staff who advocate for their students
- Ensuring a fair process is followed in discipline cases to prevent further legal challenges

The meaning of just cause is derived from the Constitutional Right to Due Process. U.S. Const. Amend. V. However, no such guarantee is afforded employees without an express written statement.

When just cause is included in board policy and the employee handbook, the process is described in seven categories:

1. Adequate warning
2. Reasonableness
3. Completeness of investigation
4. Objectivity of investigation
5. Proof of infraction
6. Uniformity of the rules application and
7. Reasonableness of discipline

Adequate warning—One should not find it unreasonable to give notice to employees about the rules that could lead to discipline or termination.

Reasonableness—Employers are given wide latitude to establish workplace rules, and only those rules that would endanger health and safety are subject to challenge under this category.

Completeness of investigation—One should not find it unreasonable to complete an investigation before disciplining an employee or even a student.

Objectivity of investigation—Pursuing a reasonable and fair investigation of the facts is critical to the discipline process. Who can object to a fair, objective investigation?

Proof of infraction—The American principle of “innocent until proven guilty” is fundamental to fairness.

Uniformity of the rules application—Equal application of rules—the same rules for all—is a basic principle of fairness. This element removes the fear of discriminatory treatment.

Reasonableness of discipline—A basic principle of fairness is that “the punishment fits the crime” and is reasonable.

Rationally viewed none of the elements of “just cause” are objectionable as all are founded on core American principles of fairness.

The JEA believes that a just cause standard for SDJ employees in many ways is not a significant departure from the district’s practice of employee discipline. However, just cause language raises the bar to a higher standard than the current language. Just cause language provides clarity and certainty that all employees will be treated fairly and predictably by the SDJ. Fairness and equitable treatment are core American principles, which we should always champion and model for our community and our students.

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