

Know Your Rights!

The Weingarten Right to AAUP-KSU Representation at Investigatory Interviews

The Weingarten rights were established under a Supreme Court ruling in the case of NLRB v. J. Weingarten Inc. These rights give employees the right to union representation during “investigative interviews.” An investigative interview is any meeting at which an administrator asks questions of a Faculty member to obtain information that could be used as a basis for a disciplinary action (a sanction) against the Faculty member or asks the Faculty member to defend or explain his or her conduct.

If you have a reasonable belief that you have been summonsed to a meeting with an administrator where you may be asked to defend or explain your conduct, or that adverse consequences to you may result from what you say, you have the right to request representation by AAUP-KSU.

- To ensure your Weingarten rights, you must make a clear request to the administrator for representation by AAUP-KSU before or during the interview.
- You cannot be punished for making this request.
- After you have made your request, the administrator has three options:
 - 1) Grant the request and delay the interview until your AAUP-KSU representative is able to attend and has had a chance to consult privately with you; or
 - 2) Deny the request and end the interview immediately; or
 - 3) Give you a choice of: i) having the interview without representation or ii) ending the interview.
- If the administrator chooses option (3), you are advised to end the interview immediately. Choosing to continue the interview without representation effectively waives your Weingarten rights.

It is an unfair labor practice for an administrator to continue to ask questions once a Faculty member has requested AAUP-KSU representation at an investigatory interview. The Faculty member has the right not to answer such questions. The administrator cannot legally discipline a Faculty member for his or her refusal to answer questions once he or she has invoked his or her Weingarten rights.

If you believe that you need AAUP-KSU representation at an investigatory interview or that your Weingarten rights have been violated, contact AAUP-KSU at (330) 673-9118 or office@aaupksu.org.