This manual provides information for chapter leaders regarding the professional conciliation process for teachers, guidance counselors, school social workers and psychologists

UFT Department of Contract Empowerment, May 2017
Table of Contents

I. Introduction: What is Professional Conciliation?

II. Professional Conciliation Process & Procedures

III. Professional Conciliation Assistance Request Form and Formal Request for Professional Conciliation

Appendix

A: Professional conciliation contract language (Article 24, Teachers CBA)

B: Professional conciliation contract Language (Article 18, Guidance Counselors CBA)

C: Professional conciliation contract language (Article 18, School Psychologist and Social Workers)

D: UFT formal request for professional conciliation
   I. Teacher request form
   II. Guidance Counselor request form
   III. School Psychologist and Social Worker request form
Introduction: What is Professional Conciliation?

What teacher, guidance counselor, social worker or school psychologist hasn’t had to confront a professional disagreement with a supervisor? Professional conciliation provides a mechanism — a professional space — for attaining a win-win solution that might otherwise remain out of reach.

Professional conciliation allows the voice of educators to be heard. The DOE-UFT collective-bargaining agreements outline the process that is available to teachers, guidance counselors, school social workers and school psychologists. For teachers, professional conciliation can take place when there is a difference in professional judgment concerning curriculum mandates; textbook selection; program offerings and scheduling; student testing procedures & appraisal methodology; and pedagogical and instructional strategy, technique and methodology. For guidance counselors, professional conciliation can be sought when there is a difference in professional judgment concerning the procedures for evaluating individual students; as well as counseling strategy, technique and methodology. For school social workers and psychologists, professional conciliation can be sought when there is a professional difference concerning a policy or procedure related to locally devised student testing procedures and the appraisal methodology of a Committee on Special Education (CSE), a Clinical Service Unit (CSU), a Citywide Special Education (CSE) or a superintendent.

Professional conciliation first became part of the 1987-90 teachers’ contract under the leadership of UFT President Sandra Feldman. In the original language, resolutions were “non-binding” and lacked the formal procedural language in the current collective-bargaining agreements. Now, teachers, guidance counselors, school psychologists and school social workers are empowered and encouraged to have their professional judgment and voice heard. The opinions of professional educators have merit — and this manual will help chapter leaders ensure those opinions are heard.

“It isn’t that they can’t see the solution. It is that they can’t see the problem”

G.K. Chesterton
**Professional Conciliation Process for Teachers and Guidance Counselors at the School Level**

**School-Level Request for Conciliation**

- The UFT chapter may request the services of a conciliator using the online form on the UFT website. The union will submit to the DOE coordinator a request for conciliation.

- Within five school days, the DOE coordinator will contact the appropriate superintendent.

- The superintendent will promptly advise the DOE coordinator as to whether he or she will directly address the issue.
  a) If the superintendent is addressing the issue, he or she should resolve it within 10 school days. At the end of this period, if not resolved, the DOE coordinator will assign a conciliator within five school days.
  b) If the superintendent does not respond to the DOE coordinator or advises that he or she is not addressing the issue, the DOE coordinator will assign a conciliator within five school days.

**Selection/Assignment of Conciliator**

- Selection of a conciliator will be made by the DOE and the UFT from a list of conciliators mutually agreed upon by the DOE and the UFT.

- The conciliator, once selected and assigned, will initiate the conciliation process within 10 school days.

- It is expected that the conciliation process will be completed within a month unless the participants, including the conciliator, believe it is beneficial to continue the process.
Conclusion of Conciliation

- If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign.
- If there is no resolution, the conciliator will send letters to the parties and the DOE coordinator and UFT coordinator confirming termination of the conciliation process.

Resolution/Agreement Issues

- It is expected that both parties will adhere in good faith to the agreement.
- If either party does not feel that a good-faith effort is being made to adhere to the agreement, either party has the right to contact the superintendent and the UFT district representative.
- If the superintendent and the UFT district representative are unable to resolve this issue, it will be submitted to the schools chancellor and the union president for resolution.
Professional Conciliation Process for Teachers and Guidance Counselors at the District Level

District-Level Request for Conciliation

- A teacher or guidance counselor who wishes to conciliate a professional difference regarding a policy or procedure of a community school district, high school or citywide special education superintendency should forward it to the UFT school chapter for review.
- If appropriate, the chapter will forward the professional difference to the district representative.
- The district representative will then present the issue to the superintendent.
  a) If the issue is addressed by the superintendent, he or she should resolve it within 10 school days.
  b) If the issue is not addressed at the end of that period, or, if the superintendent elects not to address the issue in this fashion, the UFT district representative may refer the issue for conciliation to the UFT conciliation coordinator.

Selection/Assignment of Conciliator

- If the union coordinator refers the issue to the DOE coordinator requesting a conciliator, the DOE coordinator will assign a conciliator within five school days.
- The conciliator will initiate the conciliation process within 10 school days with the UFT district representative and the superintendent.
- It is expected that at this stage of the conciliation process, it will be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.
Conclusion of Conciliation

If a resolution is reached, the conciliator will prepare the agreement for both parties and send it to the DOE and UFT coordinators.

- It is expected that both parties will adhere in good faith to the agreement.

- If there is no resolution, the conciliator will send letters to the parties and the DOE and UFT coordinators confirming termination of the conciliation process.

Professional Conciliation Process for School Psychologist and Social Workers

Conciliation Request

- A school social worker or psychologist who wishes to conciliate a professional difference concerning a policy or procedure related to locally devised student testing procedures and appraisal methodology of a Committee on Special Education (CSE), a Clinical Service Unit (CSU), City-wide Special Education (CSE), or a superintendent shall refer that matter to the Social Workers and School Psychologists Chapter for review.

- If appropriate, the chapter will forward the professional difference to the appropriate DOE official.

- If the issue is addressed by the appropriate DOE official, it should be resolved within 10 school days.

- If the issue is not addressed at the end of that period, or if the appropriate DOE official elects not to address the issue, the UFT representative may refer the issue for conciliation to the UFT conciliation coordinator.

Selection/Assignment of Conciliator

- If the union coordinator refers the issue to the DOE coordinator requesting a conciliator, the DOE coordinator will assign a conciliator within five school days.

- The conciliator will initiate the conciliation process within 10 school days with the union representative and the superintendent.

- It is expected that at this stage of the conciliation process, it will be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.
Conclusion of Conciliation

- If a resolution is reached, the conciliator will prepare the agreement for both parties and to the DOE and union coordinator.
- It is expected that both parties will adhere in good faith to the agreement.
- If there is no resolution, the conciliator will send letters to the parties and the DOE and UFT coordinators confirming termination of the conciliation process.

Professional Conciliation Assistance and Formal Request for Professional Conciliation

Professional Conciliation Assistance

Chapter leaders interested in pursuing the resolution of professional differences on behalf of their teachers, guidance counselors or school psychologists and social workers can seek assistance from the UFT through the professional conciliation process.

- First you should contact your district representative to discuss your interest in utilizing professional conciliation.
- The UFT’s Department of Contract Empowerment has developed an online Professional Conciliation Assistance Request Form for those chapter leaders who would like guidance with the professional conciliation process prior to formally submitting a request for conciliation.

There is a separate request form for each title and collective-bargaining agreement:

- Teachers: www.uft.org/professional-conciliation-t
- Guidance Counselors: www.uft.org/professional-conciliation-gc
- School Psychologist and Social Workers: www.uft.org/professional-conciliation-swp

When you fill out these forms, a copy will automatically be sent to your district representative and to Debra Poulos, the director of the union’s Contract Empowerment Department.
Formal Request for Professional Conciliation

If you do not need assistance and are ready to file the Formal Request for Professional Conciliation Form, please complete the appropriate form for your particular title and collective-bargaining agreement and email it to Debra Poulos at Dpoulos@uft.org and cc: your UFT district representative. Sample forms are in the appendix of this manual.

Formal Request for Professional Conciliation Forms

Teachers (Article 24)

Guidance Counselors (Article 18)

School Psychologists and Social Workers (Article 18)
Appendix

A: Professional Conciliation Contract Language (Article 24, Teachers Collective Bargaining Agreement)

B: Professional Conciliation Contract Language (Article 18, Guidance Counselors Collective Bargaining Agreement)

C: Professional Conciliation Contract Language (Article 18, School Psychologist and Social Workers Collective Bargaining Agreement)

D: UFT Formal Request for Professional Conciliation

   IV. Professional Conciliation Teachers Request Form
   V. Professional Conciliation Guidance Counselors Request Form
   VI. Professional Conciliation School Psychologists and Social Workers Request Form
Appendix A

Professional Conciliation Contract Language

(Teachers, Guidance Counselors & Social Workers/School Psychologists)

Professional Conciliation Contract Language (Article 24, Teachers CBA)

The Board and the Union agree that professional involvement of teachers in educational issues should be encouraged. However, it is recognized that there may be differences in professional judgment.

A. School Level

1. Where differences related to school-based decisions in one of the following areas cannot be resolved, a conciliation process will be available to facilitate the resolution of these differences:
   a. Curriculum mandates
   b. Textbook selection
   c. Program offerings and scheduling
   d. Student testing procedures and appraisal methodology
   e. Pedagogical and instructional strategy, technique and methodology.

   In order to utilize the conciliation process, the UFT chapter may request, through the Union, the service of (a) person(s) identified as expert in conciliation. Selections of such person(s) will be made by the Board and the Union from a list of conciliators mutually agreed upon by the Board and the Union.

2. Within five school days, the Board coordinator will contact the appropriate superintendent who will promptly advise the Board coordinator as to whether he/she will directly address the issue.
   a. If the issue is addressed by the superintendent, he/she should resolve it within ten school days. If not resolved, the Board coordinator will assign a conciliator at the end of that period.
   b. If the superintendent does not respond to the Board coordinator or advises that he/she is not addressing the issue, the Board coordinator will assign a conciliator within five school days.

3. The conciliator will initiate the conciliation process within ten days. This stage of the process is expected to be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.

4. At the conclusion of the conciliation:
Appendix A

a. If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign. It is expected that both parties will adhere in good faith to the agreement. Where one of the parties believes that a good faith effort is not being made to adhere to the agreement, the party will contact the superintendent and district representative who will assess the situation and take actions as necessary to assure implementation of the agreement. If the superintendent and district representative cannot resolve it, the issue will be forwarded to the Chancellor and Union President for resolution.

b. If there is no resolution, the conciliator will send letters to the parties confirming termination of the conciliation process. In addition, the conciliator will send letters to the Board and Union Coordinators advising them of the same.

B. District Level

1. A teacher(s) who wishes to conciliate a professional difference regarding a community school district, high school or Citywide special education superintendency policy/procedure shall forward it to the UFT school chapter for review. If appropriate, the chapter will forward it to the district representative who will present the issue to the superintendent.
   a. If the issue is addressed by the superintendent, he/she should resolve it within ten school days.
   b. If the issue is not addressed at the end of that period, or, if the superintendent elects not to address the issue in this fashion, the district representative may refer the issue for conciliation to the UFT Coordinator.

2. After a decision to proceed with conciliation has been made the Board coordinator will assign a conciliator within five school days. The conciliator will initiate the conciliation process within ten school days with the district representative and the superintendent. This stage of the conciliation process is expected to be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.

3. At the conclusion of the conciliation:
   a. If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign. It is understood that for any agreement that requires a waiver of a policy adopted by a community school board, the superintendent would be expected to seek the waiver. It is expected that both parties will adhere in good faith to the agreement.
   b. If there is no resolution, the conciliator will send letters to the parties and the Board and Union Coordinators confirming termination of the conciliation process.
Professional Conciliation Contract Language (Article 18, Guidance Counselors CBA)

The Board and the Union agree that professional involvement of counselors in educational issues should be encouraged. However, it is recognized that there may be differences in professional judgment.

A. School Level

1. Where differences related to school-based decisions in one of the following areas cannot be resolved, a conciliation process will be available to facilitate the resolution of these differences:
   a. Procedures for evaluation of individual students;
   b. Counseling strategy, technique and methodology.

In order to utilize the conciliation process, the UFT chapter may request, through the Union, the service of a person(s) identified as expert in conciliation. Selections of such person(s) will be made by the Board and the Union from a list of conciliators mutually agreed upon by the Board and the Union.

2. Within five school days, the Board coordinator will contact the appropriate superintendent who will promptly advise the Board coordinator as to whether he/she will directly address the issue.
   a. If the issue is addressed by the superintendent, he/she should resolve it within ten school days. If not resolved, the Board coordinator will assign a conciliator at the end of that period.
   b. If the superintendent does not respond to the Board coordinator or advises that he/she is not addressing the issue, the Board coordinator will assign a conciliator within five school days.

3. The conciliator will initiate the conciliation process within ten days. This stage of the process is expected to be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.

4. At the conclusion of the conciliation:
   a. If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign. It is expected that both parties will adhere in good faith to the agreement. Where one of the parties believes that a good faith effort is not being made to adhere to the agreement, the party will contact the superintendent and district representative who will assess the situation and take actions as necessary to assure implementation of the agreement. If the
Appendix B

superintendent and district representative cannot resolve it, the issue will be forwarded to the Chancellor and Union President for resolution.

b. If there is no resolution, the conciliator will send letters to the parties confirming termination of the conciliation process. In addition, the conciliator will send letters to the Board and Union Coordinators advising them of the same.

B. District Level

1. A Counselor(s) who wishes to conciliate a professional difference regarding a community school district, high school or citywide special education superintendency policy/procedure shall forward it to the UFT school chapter for review. If appropriate, the chapter leader will forward it to the district representative who will present the issue to the superintendent.
   
a. If the issue is addressed by the superintendent, he/she should resolve it within ten school days.
   
b. If the issue is not addressed at the end of that period, or, if the superintendent elects not to address the issue in this fashion, the district representative may refer the issue for conciliation to the UFT Coordinator.

2. After a decision to proceed with conciliation has been made the Board coordinator will assign a conciliator within five school days. The conciliator will initiate the conciliation process within ten school days with the district representative and the superintendent. This stage of the conciliation process is expected to be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.

3. At the conclusion of the conciliation:
   
a. If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign. It is understood that for any agreement that requires a waiver of policy adopted by a community school board, the superintendent would be expected to seek the waiver. It is expected that both parties will adhere in good faith to the agreement.
   
b. If there is no resolution, the conciliator will send letters to the parties and the Board and Union Coordinators confirming termination of the conciliation process.
Professional Conciliation Contract Language (Article 18 School Psychologists and Social Workers)

1. A social worker or psychologist who wishes to conciliate a professional difference concerning a policy/procedure related to locally devised student testing procedures and appraisal methodology of a Committee on Special Education (CSE), a Clinical Service Unit (CSU), City-wide Special Education (CSE), or a Superintendent shall refer to the School Social Workers and School Psychologists Chapter for review. If appropriate, the Chapter will forward it to the appropriate Board official. If the issue is addressed by the appropriate Board official, it should be resolved within ten school days. If the issue is not addressed at the end of that period, or if the appropriate Board official elects not to address the issue, the Union representative may refer the issue for conciliation to the UFT Coordinator and the conciliation process will be implemented by the Board coordinator assigning a conciliator, who will initiate the conciliation process with the Union representative and the appropriate Board official.

2. After a decision to proceed with conciliation has been made the Board coordinator will assign a conciliator within five school days. The conciliator will initiate the conciliation process within ten days with the Union representative and the superintendent. This stage of the conciliation process is expected to be completed within a month unless the participants, including the conciliator, believe it beneficial to continue the process.

3. At the conclusion of the conciliation:
   a. If a resolution is reached, the conciliator will prepare an agreement for both parties to confirm and sign. It is understood that for any agreement that requires a waiver of a policy adopted by a community school board, the superintendent would be expected to seek the waiver. It is expected that both parties will adhere in good faith to the agreement.
   b. If there is no resolution, the conciliator will send letters to the parties and the board and Union Coordinators confirming termination of the conciliation process. This process is designed to facilitate the resolution of professional differences, but is non-binding and not subject to the grievance process. This shall not preclude grievances on matters.
Pursuant to Article 24 of the Collective Bargaining Agreement, where differences related to school-based decisions in one of the following areas cannot be resolved, a conciliation process will be available to facilitate the resolution of these differences. The teachers of this school wish to request professional conciliation regarding one or more of the following: (Check all that apply):

- a. Curriculum mandates
- b. Textbook selection
- c. Program offerings and scheduling
- d. Student testing procedures and appraisal methodology
- e. Pedagogical and instructional strategy, technique and methodology

The UFT Chapter requests the services of a Professional Conciliator for the following reasons:

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 
10. 

(If needed, attach reasons to this form.)

District Representative Name: ___________________________ Date Submitted: ________________

Chapter Leader Name: ___________________________ Signature: ___________________________
Appendix D

(SAMPLE)

Professional Conciliation Guidance Counselors Request

Functional Chapter Leader Name: __________________________ Email: __________________________

UFT Tel. #: __________________________ Cell #: __________________________

Relevant Supervisor Name & Title: __________________________ Email: __________________________

Responsible Board Official Name & Title: __________________________ Email: __________________________

Pursuant to Article 18 of the Guidance Counselors contract, The Board and the Union agree that professional involvement of counselors in educational issues should be encouraged. However, it is recognized there may be differences in professional judgement. For Guidance Counselors, where difference related to school-based decisions in one of the following areas cannot be resolved, a conciliation process will be available to facilitate the resolution of the following differences:

For Guidance Counselors

(Check all that apply):

☐  a. Procedures for evaluation of individual students

☐  b. Counseling strategy, technique and methodology

The United Federation of Teachers, on behalf of the UFT Functional Chapter of Guidance Counselors requests the services of a Professional Conciliator for the following reasons:

1. ____________________________________________

2. ____________________________________________

3. ____________________________________________

4. ____________________________________________

5. ____________________________________________

6. ____________________________________________

7. ____________________________________________

8. ____________________________________________

9. ____________________________________________

10. ____________________________________________

(If needed, attach reasons to this form.)

District Representative Name: __________________________ Date Submitted: __________________________

Chapter Leader Name: __________________________ Signature: __________________________
(SAMPLE)

Professional Conciliation Social Workers/School Psychologists Request

Functional Chapter Leader Name: __________________ Email: __________________

UFT Tel.#: __________________ Cell #: __________________

Relevant Supervisor Name & Title: __________________ Email: __________________

Responsible Board Official Name & Title: __________________ Email: __________________

Pursuant to Article 18 of the School Psychologists & Social Workers C.B.A., when a social worker or school psychologist wishes to conciliate a professional difference, a conciliation process will be available to facilitate the resolution of said difference. The School Psychologist & Social Workers Functional Chapter wish to request professional conciliation of a policy/procedure related to locally devised student testing procedures and appraisal methodology of the following:

For School Psychologist and/or Social Workers

(Check all that apply):

☐ a. Committee on Special Education (CSE) ☐ b. A Clinical Service Unit (CSU)

☐ c. City-wide Special Education ☐ d. A Superintendent

The United Federation of Teachers, on behalf of the UFT Functional Chapter of Social Workers & School Psychologist requests the services of a Professional Conciliator for the following reasons:

1. ____________________________________________

2. ____________________________________________

3. ____________________________________________

4. ____________________________________________

5. ____________________________________________

6. ____________________________________________

7. ____________________________________________

8. ____________________________________________

9. ____________________________________________

10. ____________________________________________

(If needed, attach reasons to this form.)

District Representative Name: __________________ Date Submitted: ________________

Chapter Leader Name: __________________ Signature: ___________________________