

FIAT JUSTITIA RUAT CAELUM

(Let Justice be Done Though the Heavens Fall)

A Brief **(Legal)** History of the BC Principals' & Vice-Principals' Association

The history of the BC Principals' & Vice-Principals' Association is very colourful, and what follows is really just a high level sketch. I hope to give a flavour of the noble history of the Association, and the passion that those people who founded it brought to bear.

Background

Before January 1, 1988, the British Columbia School Act required Principals and Vice-Principals to be members of the British Columbia Teachers' Federation (BCTF); this legislative requirement had been in effect since November 29, 1973.

by
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On January 1, 1988, the *School Act* was amended and the requirement for compulsory membership in the BCTF was repealed.

Also on January 1, 1988, the *Teaching Profession Act* (Bill 20) came into force. It amended the *School Act*, such that teachers were permitted to join a trade union and engage in collective bargaining. Before the coming into force of this legislation, Principals and Vice-Principals were, by definition, 'teachers' for the purposes of the *School Act*, and by regulation were assigned certain supervisory duties in their schools. One important effect of Bill 20 was to move Principals and Vice-Principals into the ranks of leadership.

Establishment of BCPVPA

The application for incorporation of the Association as a society was dated June 6, 1987. It was signed by Dean Paravantes, Joyce Anderson, Lyle Garraway, George Buckley, Leo Chaland, Kerry Firth, Jim Fishenden, Bob Haskins, Gary Smith, Len Fowles, John Parry and Nick Parker-Jervis.

The Association was incorporated as a society on July 14, 1987. The first President was Dean Paravantes and the first Executive Director was Gordon Moffat. The first Board of Directors meeting was held on July 15, 1987 and was chaired by Dean Paravantes. Among other resolutions that were passed at that meeting, the following officers were appointed: Dean Paravantes, President; George Buckley, 2nd Vice-President; Lyle Garraway, 1st Vice-President; John Parry, Treasurer; and Len Fowles, Secretary.

Expulsion from BCTF

At a special general meeting of the BCTF that was held on October 10, 1987, a resolution was passed amending its bylaws and expelling Principals and Vice-Principals from its membership.

Historically, Principals and Vice-Principals had comprised approximately 10% of the membership of the BCTF but accounted for approximately 20% of its annual income because dues were based on the level of salary. Over the years, the BCTF had accumulated assets in excess of \$20,000,000.00.



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BCTF Assets Litigation

By 1988, George Buckley had become the President of the Association. On June 15, 1988, Mr. Buckley – on his own behalf and on behalf of the Association – petitioned under the *Company Act* in the Supreme Court of British Columbia for a winding-up and distribution of the assets of the BCTF or, in the alternative, that the BCTF pay compensation to the Association “on the ground that the affairs of the BCTF are and have been conducted in a manner oppressive and unfairly prejudicial to the [Association]”.

What ensued was complex and novel litigation that ensued over a period of approximately six years, involving numerous appearances in the Supreme Court of British Columbia and the British Columbia Court of Appeal (consuming well over 100 pages in the law reports). To say that this litigation was ‘hard fought’ would be an understatement.

When the Association’s Petition was heard on its merits, the Supreme Court of British Columbia held:

“In my opinion the relationship between the B.C.T.F. and those of its members who were principals was such that the principals had an equitable right as a class not to be deprived of membership without reasonable provision being made for them to form a new association of their own which would provide them with the rights and benefits they would have continued to enjoy if they had remained members of the B.C.T.F. It would not be just or equitable to permit the majority of the members of the organization to appropriate for their sole benefit all the assets of the B.C.T.F. simply because the majority decided it was to their advantage to expel the principals.

Conclusion

There seems to me to be no principled reason on which it could be said that the expulsion without compensation of the principals from the B.C.T.F. was not unfairly prejudicial to them. The history of their membership and participation in the affairs of the B.C.T.F. entitled them to expect

that if they were expelled and, in consequence, had to form a new organization of their own to advance their common interests (as they have done) they would be fairly compensated by their former associates.”

The BCTF initiated an appeal of this decision to the Court of Appeal, but its appeal was dismissed. The decision of the Supreme Court of British Columbia stood; the Association had won! Justice had been done. In the result, the Association obtained \$3,900,000.00 from the BCTF as a result of the courage, vision, commitment, and dedication of its people. These funds have put the Association on a very healthy footing, and allowed the Association to acquire the land where its beautiful building now sits.

Gordon Moffat - First Executive Director

I digress to say a few words about Gordon Moffat, who proudly served as the first Executive Director of the Association between 1988 and 2002, when he retired¹. Gordon’s passion for the Association and his work ethic were legendary. He must have travelled every square inch of our province, in all sorts of weather conditions, getting to know the members of the Association and helping them. Gordon made it clear to everyone that he and the Association would be relentless in making sure that every member was treated fairly – that all the resources of the Association stood behind every member and that no member ever had to stand alone. Gordon was also steadfast in his belief that the Association would make a positive mark on public education in this province.

Right To Fairness

The Association’s belief in justice and the view that its members were entitled to be treated fairly is what led the Association to take on cases like *Rainbow v. Board of School Trustees of School District No. 23 (Central Okanagan)* in 1990 and *Watkins v. Board of School Trustees of School District No. 21 (Armstrong-Spalumcheen)* in 1992. Both cases went all the way to the Court of Appeal; the Association was successful

¹ Sadly, Gordon passed away on October 13, 2020

in establishing the legal principle that members of the Association were entitled to 'due process', and to be treated fairly at the time of dismissal. These were landmark decisions, and established a fundamental legal foundation for all members of the Association.

The 'battle cry' of the Association in those early days was "*Fiat Justitia*" ("Let Justice be Done").

The Present

Since those early days, the Association has continued to be blessed with outstanding human capital and distinguished leadership², who have brought vision and commitment to the affairs of the Association.

The Association has now been involved in almost every aspect of employment relations affecting

² See Appendix below

thousands of its members, including complaints of harassment, employment litigation, human rights, section 21 of the *School Act*, defamation, privacy, statutory duties and responsibilities, ethical issues, and many other important issues.

The significant milestones referenced above were important and formative in creating the exceptional organization that the Association is today. The commitment to service to members, by supporting effective leadership in education through representation, advocacy and leadership development, remain just as important today as when the Association was first established.

As a law firm, we are blessed to have enjoyed such a special relationship with the Association since its inception and are extremely proud to have been part of its incredible history.

BCPVPA Presidents

Dean Paravantes	(1987-1988)
George Buckley	(1988-1990)
Stanley French	(1990-1992) <i>deceased</i>
Nick Parker-Jervis	(1992-1994)
Gord Wallington	(1994-1996)
Bob Mang	(1996-1998)
John Rizzuti	(1998-2000)
Stu Dale	(2000-2002)
Bob Lindsay	(2002-2004)
Tom Hierck	(2004-2006)
Les Dukowski	(2006-2008)
Marilyn Merler	(2008-2010)
Jameel Aziz	(2010-2012)
Shelley Green	(2012-2014)
Gordon Li	(2014-2016)
Kevin Reimer	(2016-2018)
David DeRosa	(2018-2020)
Darren Danyluk	(2020 - present)

BCPVPA Executive Directors

Gordon Moffat
(1988 - 2002) <i>deceased</i>
Sandra Bruneau
(2002)
Stanley French
(2002 - 2007) <i>deceased</i>
Ted Whiteland
(2007 - 2011)
Tom Hierck
(2011)
Jameel Aziz
(2011 - 2012)
Kit Krieger
(2012 - 2018)
Kevin Reimer
(2018 - present)