

Did You Know?

representation

**What to Expect
as a
BCPVPA Member**



by

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The Member Support Services (MSS) Team is available to BCPVPA members for many services and supports. One of the most common and formal supports offered is that of representing members when they are facing extremely challenging (and often unexpected) situations. When members are faced with serious allegations, the MSS Directors are available to support them, and to act as their 'Representative' through the formal process.

This can include situations such as:

- Harassment and bullying complaints/ investigations
- Complaints filed at the Teacher Regulation Branch (TRB)
- Discipline or misconduct investigations
- Terminations
- Challenging meetings/conversations with Senior Management
- Mediations

It is a member's choice to be represented by the BCPVPA and, in the vast majority of cases, members do choose this representation. When an MSS Director represents a member through an investigation or other serious situation, the goal is to ensure that the member is as prepared as possible for the process, that there is fairness of process, and that contractual rights are being followed. MSS can also liaise and communicate with the member's senior management or investigator(s) on their behalf, and advocate for the member as best as possible.

The MSS team has a wealth of experience in school and district-based administration, as well as training in negotiation, investigations, and school law, and the team collaborates closely. When needed, BCPVPA accesses legal counsel for advice and guidance on behalf of members, to ensure that they are as supported as they can be.

When members are faced with allegations or situations that require representation, it can be an extremely difficult and emotional time, both personally and professionally. MSS will ensure that the member is made aware of the counselling supports available

through humanworks and the Early Intervention Program (EIP).

It is important to note that in the rare situation where a member chooses to seek their own legal advice or counsel for a situation, BCPVPA will not be able to participate in representation of the member as it would be considered a conflict of interest.

In a broad sense, having representation means the member has someone speaking or acting on their behalf. When members engage the services of the MSS team, they will be working with someone, in all cases, who will support them through their challenging situation.

MSS Directors maintain confidentiality in their work with members, and they will not act on a member's behalf without their consent.

MSS Directors do not represent members in situations involving criminal investigations. However, MSS may resume representation when the criminal proceeding is resolved, and the situation returns to the realm of the school district and employment relationship.

Investigations

The most formal representation occurs when members face serious situations with their employer, including investigations of harassment or professional misconduct. It is best if MSS Directors are contacted by the member for their involvement as soon as there is notification of an investigation. In these situations, the MSS Directors ask members to formally advise their districts in writing that one of the Directors, on behalf of the BCPVPA, is representing the member in the investigative process. This enables the Directors to directly engage with senior managers or other employees at the district level for the following purposes:

- Arranging logistics, including calls or meeting times /places for the investigation
- Engaging with investigators directly, before or during the process to clarify timelines / procedures
- Seeking clarification and/or particulars related to allegations against the member

- Requesting specific materials members might need to prepare for their investigation
- Addressing procedural questions and ensuring fair and reasonable processes throughout
- Obtaining confidentiality agreements and access to investigation reports
- Attending all interviews and post-investigation meetings with senior staff
- Advocating for a particular course of action or outcome after an investigation

Representation with the Teacher Regulation Branch (TRB) is very formal. Once the intake office or investigator is informed that a member has representation from the BCPVPA, they will only communicate with the representative; this effectively streamlines communication. Some school districts also operate this way, but many do not. The process of a TRB investigation is also different in that most information is shared with the investigator through written submission, whereas in school district-initiated investigations, information is gathered through interviews. MSS Directors are actively involved in preparing and submitting written responses to the TRB, and following up with investigators throughout the process.

In addition to investigations, members can access MSS representation when meeting with superintendents, other district management or HR personnel. If members are asked to attend a meeting with a superintendent or other senior manager, the MSS Director will attend with the member – in person or virtually. They will represent the member's interests, and will ask questions and advocate for the member.

Mediations

There are situations in which parties agree to engage in a mediation process instead of a formal investigation. This is particularly helpful where the parties work together in the school or district setting, as mediation can help members reach a common understanding and work toward positive working

relationships. MSS Directors support members going through mediation, at times representing them in conversations with facilitators and district staff.

Terminations

Members engage MSS to represent them when they are facing termination from their district. These are very challenging circumstances for members. MSS Directors attend meetings where terminations are discussed. They represent members' interests in ensuring that districts are following fair and reasonable process as outlined in members' employment agreements. They respond to settlement offers by the districts. MSS consults with BCPVPA's legal team to ensure the best possible outcome for members who have been terminated.

MSS Directors also represent members in other investigations, including Human Rights Tribunals and WorkSafe BC investigations.

In addition to formal investigations, members often seek representation when dealing with other matters in their districts or with outside agencies. This may include liaising with senior management regarding contract concerns – salary levels, retirement gratuities, benefits, etc. – and with HR personnel regarding leaves of absence or Graduated Return to Work plans, or responding to case managers at WorkSafe BC or Desjardins (Long Term Disability).

In all situations of representation, the goal of the MSS Director is to achieve the best possible outcome for the member through proactive engagement, allowing the member to focus on the situation or process they face.

Representation of members in these challenging situations is one of many services that are offered to BCPVPA members. Members are encouraged to reach out for any other guidance they may be seeking, including general professional guidance, questions around contracts, retirement, health leaves, performance evaluations, mentorship, or any other topic. The BCPVPA will provide members with the information, or will offer direction to the appropriate contact or resource.