

LEADERSHIP UPDATE

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Editorial

Bullying: Good Intentions Lead to Bad Law

Dennis Theobald

Heather Forsyth, MLA for Calgary-Fish Creek, wants to take on bullying in the schools. To this end, she is introducing private member's Bill 210 to enhance the protection of students and teachers who might become victims of bullying.

Law, in general, is a blunt instrument and, however well intentioned, Forsyth's bill has serious deficiencies that must be corrected if it is to stand any chance of achieving its stated purpose.

The first of these deficiencies is its definition of bullying as involving "gestures, verbal abuse or written abuse, including gestures and abuse that are racially, ethnically or gender based." The difficulty here is that the list is hardly comprehensive. While there are many other personal attributes that might single out a victim for bullying, including physical and mental characteristics, disabilities and socioeconomic status, what is most notable by its absence from the list is a reference to sexual orientation.

This oversight — and Forsyth is on the record as saying that it as an oversight rather than a purposeful omission — has particular relevance given our provincial government's continuing refusal to extend equal protection under the law to gay, lesbian, transgendered and two-spirited Albertans. Instead, in the absence of leadership from government, it is the courts that have acted as the guardians of human rights, reading into existing legislation

protections against discrimination on the grounds of sexual orientation.

While amending Bill 210 to address this particular concern might be a good first step, a far better one would be for the province to bring all its human rights and associated legislation into alignment with the constitutionally mandated protections for people of diverse sexual identity. Until the legislature is willing to stand up and protect a minority that has been subject to so much abuse, discrimination and hatred, its moral authority to combat bullying in the schools is compromised.

Taken from a different perspective, listing possible grounds for bullying within the definition of bullying is inherently problematic. Bullies are under no obligation to be rational or consistent in their choice of target. A person can be bullied for any number of reasons or for no reason at all. Indeed, defining bullying within a racial, ethnic or gender-based construct might be inadvertently construed as blaming the victim. The fact that harassment and abuse have occurred is sufficient in itself to constitute bullying, regardless of the purported motive of the bully or the identity of the person bullied. Furthermore, the definition of bullying in the bill includes references to stealing the possessions of the victim, issuing threats and physical and sexual assault. These go beyond simple bullying; they are criminal acts that should be dealt with as such.

The remedies proposed in Bill 210 also fall short of the mark. Although the bill includes provisions that would permit a principal and peace officer to require a bully to participate in an "educational measures program," it appears to remove the existing capacity of a teacher or principal to suspend a student who bullies. While suspension and, potentially, expulsion are not actions to be taken lightly, they may be the most appropriate means for dealing with a

Continued on page 2



It is time for us to stand and cheer for the doer, the achiever, and the one who recognizes the challenge and does something about it.

—Vince Lombardi



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Continued from page 1

particular situation. Even if an educational measures program is enacted, it may be necessary to issue a suspension while the required measures are put into place.

Finally, Bill 210, as it currently stands, provides for the principal and a peace officer to determine an educational measures program. Peace officers are not teachers and have no formal role to play in determining what educational approaches the school should undertake. Educational matters are best left to educational professionals. For that matter, principals are not peace officers, prosecutors or judges. If an incident of bullying warrants the attention of a peace officer, a principal should be leery of taking on a role that extends well beyond that of educator.

Heather Forsyth cares deeply about children and, in her previous role as solicitor general, led initiatives intended to ensure the safety and security of some of our province's most vulnerable children and youth. There is a saying that "hard cases make for bad law." Bullying is a hard case. I believe that in sparking a debate about bullying in schools, Forsyth's bill has the potential to do some good; but I hope, too, that Forsyth and her fellow MLAs have the wisdom to make the changes necessary to make a bad bill into good law.

I welcome your comments—contact me at dennis.theobald@ata.ab.ca.

Dennis Theobald is the ATA's coordinator of communications. This article originally appeared in Volume 43:7 of the ATA News.

Meeting Notes

Q: I am a principal and I have been keeping notes of meetings that I have with students, parents and staff members. Are these my personal private notes or are they considered a record of the board?

A. Your meeting notes can be accessed under the *Freedom of Information and Protection of Privacy Act* (FOIP).

The board is a public body under FOIP. FOIP grants a right of access to any record of a public body, subject to specific and limited restrictions. You are an employee of the board acting in a senior administrative position. Your notes are evidence of the activities of a public body; therefore, they are subject to several provisions of the FOIP Act, including the right to access, a minimal retention period, and security/protection requirements.

Section 2 of FOIP outlines the Act's purpose:

2 (a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act, ...

Section 6 outlines an individual's statutory right of access:

6(1) An applicant has a right of access to **any record** in the custody or under the control of a public body, including a record containing personal information about the applicant. [emphasis added]

Section 35 outlines your duty to retain information for one year:

If an individual's personal information will be used by a public body to make a decision that directly affects the individual, the public body must

(a) make every reasonable effort to ensure that the information is accurate and complete, and

(b) retain the personal information for **at least one year...** [emphasis added]

Section 38 outlines your duty to protect information under the board's custody and control.

38. The head of a public body must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or destruction.

Given the purpose and structure of the FOIP Act, there is no statutory support for the argument that a principal's meeting notes are exempt from access. In other words, those notes are "FOIP-able."

Tips for generating meeting notes

1. Be factual, not editorial.
2. Be accurate and complete in your note-taking.
3. Avoid extraneous marks (doodles, unrelated content).
4. Date the notes and list the participants and their role in the meeting (eg, Principal Smith, Superintendent Adams, Ms McKenzie [parent]).



Q & A

GORDON THOMAS



Staff Meeting Tips

In your experience you have probably attended staff meetings that were highly effective and others you wanted to escape! The following ten tips can help you plan and chair staff meetings that use time wisely, provide opportunities for focused dialogue and result in group consensus.

Tip 1: Establish Feelings of Membership, Inclusion and Trust

People need to feel secure in their group before they will risk offering their opinions. This is especially true when someone is new to the school staff. It is important to provide structured opportunities for team building during staff meetings at the beginning of the year. You may also consider working with your staff to develop group norms or protocols for staff meetings. Open the conversation by asking, “What do we expect from one another so that the time we have for staff meetings is used effectively?”

Tip 2: Foster Shared Influence and Dispersed Leadership

All members of the staff have the potential to be leaders. When staff members lead a discussion or provide information, they send a message that everyone’s contributions are valued. Some administrators use distributed leadership and ask a teacher to chair staff meetings.

Tip 3: Accentuate Friendliness and Cohesiveness

It is not essential that everyone on staff be friends but basic cooperation and collegiality go a long way to building cohesiveness. Model respectful, inclusive meeting practices for your staff to set a tone for professional teamwork.

Tip 4: Cope with the Formation of Groups within the Group

School staffs comprise individuals with different social status within the group. Natural groups will form over time, some of which may contribute positively or negatively to staff meetings. Consider changing the seating arrangements at meetings or dividing the staff into smaller discussion groups to lessen the influence of social groups.

Tip 5: Take Steps to Ensure Efficient Meetings

Take the following steps to keep the group focused: (1) develop and distribute the agenda a week before the meeting, (2) state the purpose or outcome for each agenda item, (3) use timed items to keep the meeting flowing, and (4) use small-group discussion and reporting to encourage full participation of all staff members.

Tip 6: Use Sound Communication Skills

Practise clear communication and active listening. Preparation for the meeting should include making notes of the important points that need to be communicated. Paraphrase to check for understanding and summarize the discussion to bring closure to each item.

Tip 7: Strive to Make Decisions by Consensus

Group consensus is a special kind of decision making that requires discussion and a spirit of cooperation. Making important decisions using voting and majority rules can be as divisive as a provincial referendum vote of 49 to 51 per cent. Working to achieve consensus that almost everyone

can support is the best way to get staff to support a decision.

Tip 8: Promptly Provide a Record of Meeting Decisions

Strive to have the meeting notes and record of decisions distributed within three days of the staff meeting. Schools are very busy places, and staff can easily get involved with day-to-day activities and forget about actions required following a staff meeting.

Tip 9: Take Time to Debrief the Meeting’s Effectiveness

Debriefing entails an examination of the meeting processes and participant interaction. Consider asking staff to provide feedback by responding to a few open-ended questions such as: What worked well at the meeting? How can we improve meetings? If you were chairing this meeting, what would you change? What would you keep doing?

Tip 10: Plan to Have Fun

Staff meetings are an opportunity to build the team by incorporating humour, group activities, games and, of course, food. Principals are often too busy preparing for the meeting but the staff social committee can help make the staff meeting more enjoyable for all.

Reference: *Processes for Cooperative Action Research*, IRI/SkyLight Training and Publishing Inc.

If you are interested in learning more about staff meetings, the Association offers a workshop entitled “Energize Your Staff Meetings.” Staff meetings should be a time to strengthen your staff team, discuss important topics, develop leadership capacity and provide an opportunity for teachers to

learn with each other. Your staff should leave the meeting with more, not less, energy. This workshop provides effective strategies to make your meetings more meaningful and motivating. To book a workshop for a group of administrators, call ATA Professional Development staff at 1-800-232-7208.

Setting the Direction for Special Education in Alberta

Alberta Education has dedicated a section of its website to the Setting the Direction for Special Education in Alberta project. Members of the public are encouraged to visit the website to stay informed about the project and opportunities to be involved in the consultation process. The website url is www.settingthedirection.alberta.ca.

The Association is strongly encouraging all school principals and teachers to participate in the development of the new vision and principles for special education by completing the online discussion guide. The deadline for online submissions is December 31, 2008.

