

## **CONFIDENTIAL**

### **Ministry of Education Consultant Report: North Vancouver Board of Education Governance**

Submitted by Dr. Lee Southern - 2 February 2018

In response to a Board request for support, the Ministry retained the Consultant to inquire into “the extent to which trustees are effective in carrying out their duties and identify any actual or potential problems with SD44 Board of Education governance and trustee behaviour.....provide a summary of findings...including developing recommendations to address any problem he identifies.” (Education Ministry Contract No.: C18/3377)

#### **Summary of Findings and Recommendations**

\* **Key Finding:** dysfunctional interpersonal trustee relations negatively impact the Board’s performance of its governance duties.

First Case: bullying behaviour towards staff and elected colleagues impairs the willingness of individual trustees to participate fully in board deliberations particularly in closed meetings (“trustee seminars”), over concern about personal attacks.

The Board is attempting to address interpersonal trustee relations through the development by the Superintendent of a new trustee handbook on trustee governance role, duties and responsibilities, and a Chair motion (23 January 2018-attached below) directing the Superintendent to provide information on current BC board of education practice on disciplining inappropriate trustee behaviour.

### **Recommendation 1**

That the Chair and Superintendent cease holding any further closed meetings of trustees until the end of current trustee term of office (exceptions: official in-camera meetings as legally required).

### **Recommendation 2**

That the Chair hold three closed board meetings (February-June period) focussed on specific governance subjects:

- + (trustees only) to clarify and re-inforce the necessity for all trustees' compliance with, the individual trustee's governance role to represent all members of the education community and the larger public; and, to conduct themselves according to standards of acceptable trustee behaviour;
- + (trustees, superintendent and secretary treasurer) to deliberate on the new handbook of trustee governance conduct currently being drafted by the Superintendent);
- + (trustees, superintendent and secretary treasurer) to conduct an end of term, informal, self evaluation of board governance performance.

### **Recommendation 3**

That, prior to holding the above recommended closed meetings, the Chair meet with each trustee individually to re-inforce their personal responsibilities for improving board working relations.

Second Case:                   publicly claiming "workplace sexual harassment and bullying" and threatening to file formal complaint with Board (reference: North Shore News article - 9 December 2017- attached below).

### **Recommendation 4**

That the Chair offer                   voluntary confidential mediation conducted by an external professional mediator to resolve her harassment complaint; and, reconfirm the Chair's earlier statement to                   that a written complaint must be submitted before the Board can formally act. (If a claim is filed and the Board determines its substance is within board jurisdiction, the Board has an interim formal process available -attached below- which has been used in the above referenced First Case.)

### **Recommendation 5**

That, if and when a trustee harassment complaint is filed, the Chair request                   and any trustee named in the complaint to take a leave of absence from board duties until any complaint process concludes.

## **Other Findings:**

### **\* Threat to disrupt board performance:**

Any continuing media exposure of trustee absences from meetings and harassment claims (reference: December North Shore News articles- attached below) threatens to have a potentially serious, negative impact on the Board's governance performance. As well, Board legal expenditures associated with trustee behaviour, if made public, could also have a deleterious effect on the Board's ability to perform its statutory functions.

\* Generally speaking, the Trustees, Superintendent and Secretary Treasurer are hopeful that the Board's working relations can be improved and each of those individuals provided the Consultant useful information towards that objective.

\* The Board has a very competent Chair and Superintendent both of whom are respected by all trustees and the chair/superintendent working relationship is positive and productive. This is a *sine qua non* element of all high performing boards of education. As well, the collective knowledge, skills and experience of the Board are more than adequate for its governing successfully.

\* Despite the serious inter-personal dysfunction amongst the trustees, the Board is fulfilling its statutory and fiduciary duties. From a governance point of view, and for setting the stage for any further potential action from the Ministry, this is key.

\*The Chair, Superintendent, Secretary Treasurer, and several trustees expressed the view that it would be helpful to have the Minister's continuing interest in and support for mitigating interpersonal trustee dysfunction.

## **Recommendation 6**

That, being respectful of board autonomy and recognizing board governance responsibilities, the Ministry communicate these recommendations to the Chair and Superintendent with a request for

a progress update by 31 March 2018 on what actions the Board decides to take on them along with any other steps the Board may initiate to strengthen its governance performance.

**Concluding observation:** If the Board can better manage its interpersonal trustee relations - a responsibility of each individual trustee (and the key objective of these recommendations) - its prospects of continuing to fulfil its statutory and fiduciary functions will be improved.

### **Consultant main activities**

Consultant Interviews

Board Chair - 2 interviews

Superintendent - 2 individual interviews plus 2 interviews held jointly with Secretary Treasurer

Secretary Treasurer - 1 interview plus 2 interviews held jointly with Superintendent

Individual interviews views with each trustee (5 in person; 1 via telephone)

Human Resource Director

Consultant board meeting attendance

Board Seminar (closed) 9 January 2018

Board public meeting 16 January 2018

### **Related Documents**

Chair Motion (16 January 2018): Trustee conduct-new trustee handbook

Board Process for Resolution of Code of Ethics Complaints

North Shore News articles: "North Van school trustee no-shows raise questions" (9 December 2017); "Ministry orders probe of North Vancouver school board" (2 February 2018)