

BCPVPA Member Support Services: What to Expect When You Reach Out

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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 representation of members when they are facing extremely challenging – and often unexpected – situations. When members are faced with serious allegations, the MSS Directors support them and act as their ‘representative’ through the formal process.

This can include situations such as:

- Harassment and bullying complaints
- Complaints filed at the Teacher Regulation Branch (TRB)
- Misconduct complaints
- Terminations of contract, with and without cause
- Navigating severance agreements
- Support for formal meetings with senior management
- Facilitation of requests for mediation
- Witness Accompaniment and Procedural Support during Investigation Meetings

The MSS team is comprised of Directors of Member Support Services. It is a member's choice to be represented by the BCPVPA and, in most 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, workplace investigations, human rights, and educational law – and the team collaborates closely. The Directors are not lawyers, and provide professional guidance only. When warranted, the BCPVPA has full authority to access legal counsel for advice and guidance, to ensure that members 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 facilitates member awareness of available support pathways

and relevant external resources including employer-assisted programs

It is important for members to understand that in the rare situation where a member chooses to seek their own legal advice or counsel for a situation that requires representation, BCPVPA cannot 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 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 when the situation returns to the jurisdiction of the school district with a focus on the employment relationship.

Representation

The most formal representation occurs when members face serious situations with their employer, including investigations of harassment or professional misconduct. It is recommended that members reach out to the MSS Directors 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 Director to directly engage with senior managers or other employees at the district level in order to:

- Arrange logistics, including calls or meeting times / places for the investigation



- Engage with investigators directly, before or during the process to clarify timelines/ procedures
- Seek clarification and/or particulars related to allegations against the member
- Request specific materials members might need to prepare for their investigation
- Address procedural questions, and ensure that fair, equitable, and reasonable processes are sustained throughout
- Obtain confidentiality agreements and access to investigation reports
- Attend all interviews and post-investigation meetings with senior staff
- Advocate for a particular course of action or best possible outcome after an investigation

Representation as part of a Teacher Regulation Branch (TRB) process 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 supporting the timely submission of written responses to – and/or in-person interviews with – the TRB, and following up with investigators throughout the process. In some circumstances, MSS Directors will advocate for indemnity if it is deemed appropriate under the School Act, and/or a member's contract allows for it. When matters involve

complexities that are outside the scope of the terms of employment, members may be referred, at their own cost, to independent, reputable legal counsel to ensure their interests are protected by appropriate multifaceted legal expertise.

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

Witness

The Directors of Member Support Services provide representation to members participating in workplace investigations in the role of a witness. The MSS team's position is that members should have support throughout the process, as investigations can be complex, nuanced, and emotionally demanding. Representation includes accompaniment, process oversight, and emotional support to help members understand expectations, navigate the investigation with confidence, and participate effectively.

Mediations

There are situations in which parties agree to engage in a mediation, circle, or conflict resolution process instead of a formal investigation. This is particularly helpful when 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 a mediation, circle, or conflict resolution process, 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, and represent members' interests in ensuring that districts are following fair and reasonable process as outlined in members' employment agreements. Representatives will provide guidance and support throughout the return to teaching process, and administrative provisions under the School Act including responding to settlement offers proposed by districts. MSS consults with the BCPVPA's legal team to ensure the best possible outcome for members who have been terminated.

Human Rights Tribunals & WorkSafe BC

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, such as salary levels, retirement gratuities, and benefits; communicating 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 in challenging situations is one of the many services that are offered to BCPVPA members. Members are encouraged to reach out for general professional guidance, or with 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.

Other Services

In addition to representation, the MSS team also provides professional guidance on a wide variety of topics associated with complex workplace



situations through virtual and in-person workshops/ presentations that include:

- Know Your Contract
- Navigating Employment Duties and Professional Boundaries
- Leadership Through a Regulatory Lens: Fiduciary Responsibilities and Decision Making
- Navigating Workplace Investigations: Understanding Process
- Workplace Investigations: Understanding Process
- Retirement Ready: Planning Your Future
- À La Carte – On Demand Requests

Contact the Team

If you are seeking professional guidance or formal representation, please reach out to Member Support Services.

Members are invited to email mssinfo@bcpvpa.ca. When you do so, the first available team member and/ or the Director with expertise in the area of concern will contact you as soon as possible. You can also directly contact anyone on the MSS team by phone or by email, and we will ensure you receive a timely response.

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Please see the following pages for descriptions of these workshops.

We are also happy to discuss other topics that may be of interest.

Meet the
Member Support
Services Team
in the
TEAMS
section