

Page 01 to/à Page 02

Withheld pursuant to/removed as

s.14

Mino, Lise MTIC:EX

From: Clarke, Wilma EDUC:EX
Sent: Thursday, May 7, 2015 4:28 PM
To: Preston, Bruce EDUC:EX; Hodak, Katarina EDUC:EX
Subject: FW: CFAX: Stockus - St Michaels investigation - Media Request

FYI- re: SMUS

From: MacFarlane, Paige EDUC:EX
Sent: May 7, 2015 4:02 PM
To: Sutherland, Scott GCPE:EX
Cc: Clarke, Wilma EDUC:EX; Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt GCPE:EX
Subject: Re: CFAX: Stockus - St Michaels investigation - Media Request

I agree with this approach, Scott.

Sent from my iPhone

On May 7, 2015, at 3:16 PM, Sutherland, Scott GCPE:EX <Scott.Sutherland@gov.bc.ca> wrote:

FYI,

A parent who has previously contacted the Ministry (Dec 22) to complain about the TRB investigation concerning SMUs, and had a response from the DM (Feb 6) has sent another letter (rec'd May5) and gone on a local Victoria radio talk show.

The talk show has requested the Minister or anyone in the Ministry come on the show.

Here is the Transcript of Mr. Stockus this morning.

I have proposed sending the original Statement from the Office of the Commissioner, as we have done with every news outlet from the initial Toronto Star request (Dec. 5) to the Times Colonist, CTV Vancouver and CTV Van Island.(below)

I'm available on my cell if needed.

S

Statement from the Office of the Commissioner for Teacher Regulation

The safety and wellbeing of all students in British Columbia is absolutely paramount, as is maintaining high standards of conduct for the teaching profession.

With the establishment of the Teacher Regulation Branch in 2012, B.C. has one of the most fair, independent and transparent systems when it comes to the discipline and certification of teachers in Canada.

It is the responsibility of the Commissioner for Teacher Regulation to oversee all discipline processes and appeals. As an independent statutory decision maker, the Commissioner reviews all reports and complaints about the conduct of certificate holders and determines what action – if any – is required.

The Commissioner is committed to ensuring that, when concerns are brought forward, they are reviewed thoroughly, transparently and expeditiously in the best interest of students, teachers and the public at large.

In all instances where it is decided not to take further action, reasons are provided to the complainant and the certificate holder.

If discipline is imposed by consent resolution or after a hearing before a panel, the consent resolution agreement or the reasons of the panel are posted on the Teacher Regulation Branch website.

Decisions to take no further action and decisions of a panel are subject to judicial review.

The Commissioner does not speak to the specifics of individual cases due to restrictions placed on the disclosure of private information by the *Freedom of Information and Protection of Privacy Act*. However, if someone feels they have relevant information concerning a particular complaint, they are encouraged to contact the Teacher Regulation Branch immediately.

Subject: CFAF: Stockus - St Michaels investigation

CFAF (Victoria)
CFAF Pamela McCall
07-May-2015 10:08

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Mino, Lise MTIC:EX

From: Sutherland, Scott GCPE:EX
Sent: Thursday, May 7, 2015 3:17 PM
To: Clarke, Wilma EDUC:EX; MacFarlane, Paige EDUC:EX
Cc: Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt EDUC:EX
Subject: FW: CFA: Stockus - St Michaels investigation - Media Request

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Subject: CFA: Stockus - St Michaels investigation

CFOX (Victoria)
CFOX Pamela McCall
07-May-2015 10:08

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Page 11 to/à Page 13

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Mino, Lise MTIC:EX

From: Sutherland, Scott GCPE:EX
Sent: Thursday, March 12, 2015 10:50 AM
To: Clarke, Wilma EDUC:EX; MacFarlane, Paige EDUC:EX
Cc: McMullin, Shawn EDUC:EX; Mercer, Sally EDUC:EX; Preston, Bruce EDUC:EX; Pauliszyn, Robert PSEC:EX
Subject: CTV-W5 promo'ing SMUS story "Prersonal Foul"

Good Morning, Heads Up

Video promo says a school that trained a sport's legend "All time greatest Canadian athlete" accused of "foul" behaviour.

<http://www.ctvnews.ca/w5/>

Nothing on the Toronto Star site.

Copyright

Scott

Mino, Lise MTIC:EX

From: Sutherland, Scott GCPE:EX
Sent: Thursday, May 7, 2015 5:53 PM
To: Clarke, Wilma EDUC:EX; MacFarlane, Paige EDUC:EX
Cc: Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt EDUC:EX
Subject: Re: CFA: Stockus - St Michaels investigation - Media Request

Tx Wilma

Scott

From: Clarke, Wilma EDUC:EX
Sent: Thursday, May 7, 2015 4:16 PM
To: Sutherland, Scott GCPE:EX; MacFarlane, Paige EDUC:EX
Cc: Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt GCPE:EX
Subject: RE: CFA: Stockus - St Michaels investigation - Media Request

I'm in agreement as well. Thanks Scott.

From: Sutherland, Scott GCPE:EX
Sent: May 7, 2015 4:05 PM
To: MacFarlane, Paige EDUC:EX
Cc: Clarke, Wilma EDUC:EX; Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt GCPE:EX
Subject: RE: CFA: Stockus - St Michaels investigation - Media Request
Thanks Paige.

From: MacFarlane, Paige EDUC:EX
Sent: Thursday, May 7, 2015 4:02 PM
To: Sutherland, Scott GCPE:EX
Cc: Clarke, Wilma EDUC:EX; Lowther, Brett GCPE:EX; Green, Ben GCPE:EX; Silver, Matt GCPE:EX
Subject: Re: CFA: Stockus - St Michaels investigation - Media Request
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Sent from my iPhone

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Subject: CFAx: Stockus - St Michaels investigation

CFAx (Victoria)

CFAx Pamela McCall

07-May-2015 10:08

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Page 21 to/à Page 26

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s.14

Mino, Lise MTIC:EX

From: Clarke, Wilma EDUC:EX
Sent: Saturday, March 14, 2015 10:23 AM
To: Sutherland, Scott GCPE:EX
Subject: RE: Toronto Star CTV SMUS

Thanks for the heads up Scott.

*Wilma Clarke,
Executive Director ,
Teacher Regulation Branch, Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6
Phone: 604.775-4817 Wilma.Clarke@gov.bc.ca
www.bcteacherregulation.ca*

From: Sutherland, Scott GCPE:EX
Sent: Saturday, March 14, 2015 9:34 AM
To: Pauliszyn, Robert GCPE:EX; MacFarlane, Paige EDUC:EX; Clarke, Wilma EDUC:EX
Cc: McMullin, Shawn EDUC:EX; Mercer, Sally EDUC:EX; Preston, Bruce EDUC:EX
Subject: Toronto Star CTV SMUS

Heads up

Story is on-line, front and centre at thestar.com, says complaint has been filed against Commish. With BC Human Rights Council and judicial review of decision has been requested.
Airing on CTV at 7 local time.

Scott

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s.14

From: Clarke, Wilma EDUC:EX
Sent: Saturday, March 14, 2015 10:23 AM Pacific Standard Time
To: Mirbagheri, Sarvi EDUC:EX; Jackson, Stephanie A JAG:EX
Subject: FW: Toronto Star CTV SMUS

From: Sutherland, Scott GCPE:EX
Sent: Saturday, March 14, 2015 9:34 AM
To: Pauliszyn, Robert GCPE:EX; MacFarlane, Paige EDUC:EX; Clarke, Wilma EDUC:EX
Cc: McMullin, Shawn EDUC:EX; Mercer, Sally EDUC:EX; Preston, Bruce EDUC:EX
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Scott

Mino, Lise MTIC:EX

From: Clarke, Wilma EDUC:EX
Sent: Saturday, March 14, 2015 10:24 AM
To: Mirbagheri, Sarvi; Jackson, Stephanie A JAG:EX
Subject: FW: Toronto Star CTV SMUS

From: Sutherland, Scott GCPE:EX
Sent: Saturday, March 14, 2015 9:34 AM
To: Pauliszyn, Robert GCPE:EX; MacFarlane, Paige EDUC:EX; Clarke, Wilma EDUC:EX
Cc: McMullin, Shawn EDUC:EX; Mercer, Sally EDUC:EX; Preston, Bruce EDUC:EX
Subject: Toronto Star CTV SMUS

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Scott

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GENERAL SERVICE AGREEMENT

CONTRACT NO C13/2502

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THIS AGREEMENT is dated for reference the 14th day of December, 2012.

BETWEEN:

William Ard (the "Contractor") with the following specified address and fax number:
20586 93A Avenue, Langley BC V1M 1Z1
Email: billard@shaw.ca

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented by Teacher Regulation Branch,
Ministry of Education (the "Province") with the following specified address and fax number:
400-2025 West Broadway
Vancouver BC V6J 1Z6

The Province wishes to retain the Contractor to provide the Services specified in Schedule A and, in consideration for the remuneration set out in Schedule B, the Contractor has agreed to provide those Services, on the Terms and conditions set out in this Agreement.

As a result, the Province and the Contractor agree as follows:

1 DEFINITIONS

General

1.1 In this Agreement, unless the context otherwise requires:

- (a) "Business Day" means a day on which Provincial government offices are open for normal business in British Columbia;
- (b) "Incorporated Material" means any material in existence prior to the start of the Term or developed independently of this Agreement, and that is incorporated or embedded in the Produced Material by the Contractor or a Subcontractor;
- (c) "Material" means the Produced Material and the Received Material;
- (d) "Produced Material" means records, software and other material, whether complete or not, that, as a result of this Agreement, are produced by the Contractor or a Subcontractor and may include the Incorporated Material;
- (e) "Received Material" means records, software and other material, whether complete or not, that, as a result of this Agreement, are received by the Contractor or a Subcontractor from the Province or any other person;
- (f) "Services" means the services described in Part 2 of Schedule A;
- (g) "Subcontractor" means a person described in paragraph (a) or (b) of section 13.4; and
- (h) "Term" means the term of the Agreement described in Part 1 of Schedule A subject to that term ending earlier in accordance with this Agreement.

Meaning of "record"

1.2 The definition of "record" in the *Interpretation Act* is incorporated into this Agreement and "records" will bear a corresponding meaning.

2 SERVICES

Provision of Services

2.1 The Contractor must provide the Services in accordance with this Agreement.

Term

2.2 Regardless of the date of execution or delivery of this Agreement, the Contractor must provide the Services during the Term.

Supply of various items

2.3 Unless the parties otherwise agree in writing, the Contractor must supply and pay for all labour, materials, equipment, tools, facilities, approvals and licenses necessary or advisable to perform the Contractor's obligations under this Agreement, including the license under section 6.4.

Standard of care

2.4 Unless otherwise specified in this Agreement, the Contractor must perform the Services to a standard of care, skill and diligence maintained by persons providing, on a commercial basis, services similar to the Services.

Standards in relation to persons performing Services

2.5 The Contractor must ensure that all persons employed or retained to perform the Services are qualified and competent to perform them and are properly trained, instructed and supervised.

Instructions by Province

- 2.6 The Province may from time to time give the Contractor reasonable instructions (in writing or otherwise) as to the performance of the Services. The Contractor must comply with those instructions but, unless otherwise specified in this Agreement, the Contractor may determine the manner in which the instructions are carried out.

Confirmation of non-written instructions

- 2.7 If the Province provides an instruction under section 2.6 other than in writing, the Contractor may request that the instruction be confirmed by the Province in writing, which request the Province must comply with as soon as it is reasonably practicable to do so.

Effectiveness of non-written instructions

- 2.8 Requesting written confirmation of an instruction under section 2.7 does not relieve the Contractor from complying with the instruction at the time the instruction was given.

Applicable laws

- 2.9 In the performance of the Contractor's obligations under this Agreement, the Contractor must comply with all applicable laws.

3 PAYMENT

Fees and expenses

- 3.1 If the Contractor complies with this Agreement, then the Province must pay to the Contractor at the times and on the conditions set out in Schedule B:
- (a) the fees described in that Schedule, plus any applicable taxes; and
 - (b) the expenses, if any, described in that Schedule if they are supported, where applicable, by proper receipts and, in the Province's opinion, are necessarily incurred by the Contractor in providing the Services.
- The Province is not obliged to pay to the Contractor more than the "Maximum Amount" specified in Schedule B on account of fees and expenses.

Statements of accounts

- 3.2 In order to obtain payment of any fees and expenses under this Agreement, the Contractor must submit to the Province a written statement of account in a form satisfactory to the Province upon completion of the Services or at other times described in Schedule B.

Withholding of amounts

- 3.3 Without limiting section 9.1, the Province may withhold from any payment due to the Contractor an amount sufficient to indemnify, in whole or in part, the Province and its employees and agents against any liens or other third-party claims that have arisen or could arise in connection with the provision of the Services. An amount withheld under this section must be promptly paid by the Province to the Contractor upon the basis for withholding the amount having been fully resolved to the satisfaction of the Province.

Appropriation

- 3.4 The Province's obligation to pay money to the Contractor is subject to the *Financial Administration Act*, which makes that obligation subject to an appropriation being available in the fiscal year of the Province during which payment becomes due.

Currency

- 3.5 Unless otherwise specified in this Agreement, all references to money are to Canadian dollars.

Non-resident income tax

- 3.6 If the Contractor is not a resident in Canada, the Contractor acknowledges that the Province may be required by law to withhold income tax from the fees described in Schedule B and then to remit that tax to the Receiver General of Canada on the Contractor's behalf.

Prohibition against committing money

- 3.7 Without limiting section 13.10(a), the Contractor must not in relation to performing the Contractor's obligations under this Agreement commit or purport to commit the Province to pay any money except as may be expressly provided for in this Agreement.

Refunds of taxes

- 3.8 The Contractor must apply for and, immediately on receipt, remit to the Province any available refund, rebate or remission of federal or provincial tax or duty that the Province has paid or reimbursed to the Contractor or agreed to pay or reimburse to the Contractor under this Agreement.

4 REPRESENTATIONS AND WARRANTIES

4.1 As at the date this Agreement is executed and delivered by, or on behalf of, the parties, the Contractor represents and warrants to the Province as follows:

- (a) except to the extent the Contractor has previously disclosed otherwise in writing to the Province,
 - (i) all information, statements, documents and reports furnished or submitted by the Contractor to the Province in connection with this Agreement (including as part of any competitive process resulting in this Agreement being entered into) are in all material respects true and correct,
 - (ii) the Contractor has sufficient trained staff, facilities, materials, appropriate equipment and approved subcontractual agreements in place and available to enable the Contractor to fully perform the Services, and
 - (iii) the Contractor holds all permits, licenses, approvals and statutory authorities issued by any government or government agency that are necessary for the performance of the Contractor's obligations under this Agreement; and
- (b) if the Contractor is not an individual,
 - (i) the Contractor has the power and capacity to enter into this Agreement and to observe, perform and comply with the Terms of this Agreement and all necessary corporate or other proceedings have been taken and done to authorize the execution and delivery of this Agreement by, or on behalf of, the Contractor, and
 - (ii) this Agreement has been legally and properly executed by, or on behalf of, the Contractor and is legally binding upon and enforceable against the Contractor in accordance with its Terms except as enforcement may be limited by bankruptcy, insolvency or other laws affecting the rights of creditors generally and except that equitable remedies may be granted only in the discretion of a court of competent jurisdiction.

5 PRIVACY, SECURITY AND CONFIDENTIALITY

Privacy

5.1 The Contractor must comply with the Privacy Protection Schedule, if attached, as Schedule E.

Security

5.2 The Contractor must:

- (a) make reasonable security arrangements to protect the Material from unauthorized access, collection, use, disclosure, alteration or disposal; and
- (b) comply with the Security Schedule, if attached, as Schedule G.

Confidentiality

5.3 The Contractor must treat as confidential all information in the Material and all other information accessed or obtained by the Contractor or a Subcontractor (whether verbally, electronically or otherwise) as a result of this Agreement, and not permit its disclosure or use without the Province's prior written consent except:

- (a) as required to perform the Contractor's obligations under this Agreement or to comply with applicable laws;
- (b) if it is information that is generally known to the public other than as result of a breach of this Agreement; or
- (c) if it is information in any Incorporated Material.

Public announcements

5.4 Any public announcement relating to this Agreement will be arranged by the Province and, if such consultation is reasonably practicable, after consultation with the Contractor.

Restrictions on promotion

5.5 The Contractor must not, without the prior written approval of the Province, refer for promotional purposes to the Province being a customer of the Contractor or the Province having entered into this Agreement.

6 MATERIAL AND INTELLECTUAL PROPERTY

Access to Material

6.1 If the Contractor receives a request for access to any of the Material from a person other than the Province, and this Agreement does not require or authorize the Contractor to provide that access, the Contractor must promptly advise the person to make the request to the Province.

Ownership and delivery of Material

6.2 The Province exclusively owns all property rights in the Material which are not intellectual property rights. The Contractor must deliver any Material to the Province immediately upon the Province's request.

Matters respecting intellectual property

6.3 The Province exclusively owns all intellectual property rights, including copyright, in:

- (a) Received Material that the Contractor receives from the Province; and

(b) Produced Material, other than any Incorporated Material.

Upon the Province's request, the Contractor must deliver to the Province documents satisfactory to the Province that irrevocably waive in the Province's favour any moral rights which the Contractor (or employees of the Contractor) or a Subcontractor (or employees of a Subcontractor) may have in the Produced Material and that confirm the vesting in the Province of the copyright in the Produced Material, other than any Incorporated Material.

Rights in relation to Incorporated Material

- 6.4 Upon any Incorporated Material being embedded or incorporated in the Produced Material and to the extent that it remains so embedded or incorporated, the Contractor grants to the Province:
- (a) a non-exclusive, perpetual, irrevocable, royalty-free, worldwide license to use, reproduce, modify and distribute that Incorporated Material; and
 - (b) the right to sublicense to third-parties the right to use, reproduce, modify and distribute that Incorporated Material.

7 RECORDS AND REPORTS

Work reporting

- 7.1 Upon the Province's request, the Contractor must fully inform the Province of all work done by the Contractor or a Subcontractor in connection with providing the Services.

Time and expense records

- 7.2 If Schedule B provides for the Contractor to be paid fees at a daily or hourly rate or for the Contractor to be paid or reimbursed for expenses, the Contractor must maintain time records and books of account, invoices, receipts and vouchers of expenses in support of those payments, in form and content satisfactory to the Province. Unless otherwise specified in this Agreement, the Contractor must retain such documents for a period of not less than seven years after this Agreement ends.

8 AUDIT

- 8.1 In addition to any other rights of inspection the Province may have under statute or otherwise, the Province may at any reasonable time and on reasonable notice to the Contractor, enter on the Contractor's premises to inspect and, at the Province's discretion, copy any of the Material and the Contractor must permit, and provide reasonable assistance to, the exercise by the Province of the Province's rights under this section.

9 INDEMNITY AND INSURANCE

Indemnity

- 9.1 The Contractor must indemnify and save harmless the Province and the Province's employees and agents from any losses, claims, damages, actions, causes of action, costs and expenses that the Province or any of the Province's employees or agents may sustain, incur, suffer or be put to at any time, either before or after this Agreement ends, including any claim of infringement of third-party intellectual property rights, where the same or any of them are based upon, arise out of or occur, directly or indirectly, by reason of any act or omission by the Contractor or by any of the Contractor's agents, employees, officers, directors or Subcontractors in connection with this Agreement, excepting always liability arising out of the independent acts or omissions of the Province and the Province's employees and agents.

Insurance

- 9.2 The Contractor must comply with the Insurance Schedule, if attached, as Schedule D.

Workers compensation

- 9.3 Without limiting the generality of section 2.9, the Contractor must comply with, and must ensure that any Subcontractors comply with, all applicable occupational health and safety laws in relation to the performance of the Contractor's obligations under this Agreement, including the *Workers Compensation Act* in British Columbia or similar laws in other jurisdictions.

Personal optional protection

- 9.4 The Contractor must apply for and maintain personal optional protection insurance (consisting of income replacement and medical care coverage) during the Term at the Contractor's expense if:
- (a) the Contractor is an individual or a partnership of individuals and does not have the benefit of mandatory workers compensation coverage under the *Workers Compensation Act* or similar laws in other jurisdictions; and
 - (b) such personal optional protection insurance is available for the Contractor from WorkSafeBC or other sources.

Evidence of coverage

- 9.5 Within 10 Business Days of being requested to do so by the Province, the Contractor must provide the Province with evidence of the Contractor's compliance with sections 9.3 and 9.4.

10 FORCE MAJEURE

Definitions relating to force majeure

10.1 In this section and sections 10.2 and 10.3:

- (a) "Event of Force Majeure" means one of the following events:
 - (i) a natural disaster, fire, flood, storm, epidemic or power failure,
 - (ii) a war (declared and undeclared), insurrection or act of terrorism or piracy,
 - (iii) a strike (including illegal work stoppage or slowdown) or lockout, or
 - (iv) a freight embargoif the event prevents a party from performing the party's obligations in accordance with this Agreement and is beyond the reasonable control of that party; and
- (b) "Affected Party" means a party prevented from performing the party's obligations in accordance with this Agreement by an Event of Force Majeure.

Consequence of Event of Force Majeure

10.2 An Affected Party is not liable to the other party for any failure or delay in the performance of the Affected Party's obligations under this Agreement resulting from an Event of Force Majeure and any time periods for the performance of such obligations are automatically extended for the duration of the Event of Force Majeure provided that the Affected Party complies with the requirements of section 10.3.

Duties of Affected Party

10.3 An Affected Party must promptly notify the other party in writing upon the occurrence of the Event of Force Majeure and make all reasonable efforts to prevent, control or limit the effect of the Event of Force Majeure so as to resume compliance with the Affected Party's obligations under this Agreement as soon as possible.

11 DEFAULT AND TERMINATION

Definitions relating to default and termination

11.1 In this section and sections 11.2 to 11.4:

- (a) "Event of Default" means any of the following:
 - (i) an Insolvency Event,
 - (ii) the Contractor fails to perform any of the Contractor's obligations under this Agreement, or
 - (iii) any representation or warranty made by the Contractor in this Agreement is untrue or incorrect; and
- (b) "Insolvency Event" means any of the following:
 - (i) an order is made, a resolution is passed or a petition is filed, for the Contractor's liquidation or winding up,
 - (ii) the Contractor commits an act of bankruptcy, makes an assignment for the benefit of the Contractor's creditors or otherwise acknowledges the Contractor's insolvency,
 - (iii) a bankruptcy petition is filed or presented against the Contractor or a proposal under the *Bankruptcy and Insolvency Act* (Canada) is made by the Contractor,
 - (iv) a compromise or arrangement is proposed in respect of the Contractor under the *Companies' Creditors Arrangement Act* (Canada),
 - (v) a receiver or receiver-manager is appointed for any of the Contractor's property, or
 - (vi) the Contractor ceases, in the Province's reasonable opinion, to carry on business as a going concern.

Province's options on default

11.2 On the happening of an Event of Default, or at any time thereafter, the Province may, at its option, elect to do any one or more of the following:

- (a) by written notice to the Contractor, require that the Event of Default be remedied within a time period specified in the notice;
- (b) pursue any remedy or take any other action available to it at law or in equity; or
- (c) by written notice to the Contractor, terminate this Agreement with immediate effect or on a future date specified in the notice, subject to the expiration of any time period specified under section 11.2(a).

Delay not a waiver

11.3 No failure or delay on the part of the Province to exercise its rights in relation to an Event of Default will constitute a waiver by the Province of such rights.

Province's right to terminate other than for default

11.4 In addition to the Province's right to terminate this Agreement under section 11.2(c) on the happening of an Event of Default, the Province may terminate this Agreement for any reason by giving at least 10 days' written notice of termination to the Contractor.

Payment consequences of termination

- 11.5 Unless Schedule B otherwise provides, if the Province terminates this Agreement under section 11.4:
- (a) the Province must, within 30 days of such termination, pay to the Contractor any unpaid portion of the fees and expenses described in Schedule B which corresponds with the portion of the Services that was completed to the Province's satisfaction before termination of this Agreement; and
 - (b) the Contractor must, within 30 days of such termination, repay to the Province any paid portion of the fees and expenses described in Schedule B which corresponds with the portion of the Services that the Province has notified the Contractor in writing was not completed to the Province's satisfaction before termination of this Agreement.

Discharge of liability

- 11.6 The payment by the Province of the amount described in section 11.5(a) discharges the Province from all liability to make payments to the Contractor under this Agreement.

Notice in relation to Events of Default

- 11.7 If the Contractor becomes aware that an Event of Default has occurred or anticipates that an Event of Default is likely to occur, the Contractor must promptly notify the Province of the particulars of the Event or Default or anticipated Event of Default. A notice under this section as to the occurrence of an Event of Default must also specify the steps the Contractor proposes to take to address, or prevent recurrence of, the Event of Default. A notice under this section as to an anticipated Event of Default must specify the steps the Contractor proposes to take to prevent the occurrence of the anticipated Event of Default.

12 DISPUTE RESOLUTION

Dispute resolution process

- 12.1 In the event of any dispute between the parties arising out of or in connection with this Agreement, the following dispute resolution process will apply unless the parties otherwise agree in writing:
- (a) the parties must initially attempt to resolve the dispute through collaborative negotiation;
 - (b) if the dispute is not resolved through collaborative negotiation within 15 Business Days of the dispute arising, the parties must then attempt to resolve the dispute through mediation under the rules of the British Columbia Mediator Roster Society; and
 - (c) if the dispute is not resolved through mediation within 30 Business Days of the commencement of mediation, the dispute must be referred to and finally resolved by arbitration under the *Commercial Arbitration Act*.

Location of arbitration or mediation

- 12.2 Unless the parties otherwise agree in writing, an arbitration or mediation under section 12.1 will be held in Victoria, British Columbia.

Costs of mediation or arbitration

- 12.3 Unless the parties otherwise agree in writing or, in the case of an arbitration, the arbitrator otherwise orders, the parties must share equally the costs of a mediation or arbitration under section 12.1 other than those costs relating to the production of expert evidence or representation by counsel.

13 MISCELLANEOUS

Delivery of notices

- 13.1 Any notice contemplated by this Agreement, to be effective, must be in writing and delivered as follows:
- 1. by fax to the addressee's fax number specified on the first page of this Agreement, in which case it will be deemed to be received on the day of transmittal unless transmitted after the normal business hours of the addressee or on a day that is not a Business Day, in which cases it will be deemed to be received on the next following Business Day;
 - (b) by hand to the addressee's address specified on the first page of this Agreement, in which case it will be deemed to be received on the day of its delivery; or
 - (c) by prepaid post to the addressee's address specified on the first page of this Agreement, in which case if mailed during any period when normal postal services prevail, it will be deemed to be received on the fifth Business Day after its mailing.

Change of address or fax number

- 13.2 Either party may from time to time give notice to the other party of a substitute address or fax number, which from the date such notice is given will supersede for purposes of section 13.1 any previous address or fax number specified for the party giving the notice.

Assignment

- 13.3 The Contractor must not assign any of the Contractor's rights under this Agreement without the Province's prior written consent.

Subcontracting

- 13.4 The Contractor must not subcontract any of the Contractor's obligations under this Agreement to any person without the Province's prior written consent, excepting persons listed in the attached Schedule C. No subcontract, whether consented to or not, relieves the Contractor from any obligations under this Agreement. The Contractor must ensure that:
- (a) any person retained by the Contractor to perform obligations under this Agreement; and
 - (b) any person retained by a person described in paragraph (a) to perform those obligations fully complies with this Agreement in performing the subcontracted obligations.

Waiver

- 13.5 A waiver of any term or breach of this Agreement is effective only if it is in writing and signed by, or on behalf of, the waiving party and is not a waiver of any other term or breach.

Modifications

- 13.6 No modification of this Agreement is effective unless it is in writing and signed by, or on behalf of, the parties.

Entire agreement

- 13.7 This Agreement (including any modification of it) constitutes the entire agreement between the parties as to performance of the Services.

Survival of certain provisions

- 13.8 Sections 2.9, 3.1 to 3.4, 3.7, 3.8, 5.1 to 5.5, 6.1 to 6.4, 7.1, 7.2, 8.1, 9.1, 9.2, 9.5, 10.1 to 10.3, 11.2, 11.3, 11.5, 11.6, 12.1 to 12.3, 13.1, 13.2, 13.8, and 13.10, any accrued but unpaid payment obligations, and any other sections of this Agreement (including schedules) which, by their terms or nature, are intended to survive the completion of the Services or termination of this Agreement, will continue in force indefinitely, even after this Agreement ends.

Schedules

- 13.9 The schedules to this Agreement (including any appendices or other documents attached to, or incorporated by reference into, those schedules) are part of this Agreement.

Independent contractor

- 13.10 In relation to the performance of the Contractor's obligations under this Agreement, the Contractor is an independent contractor and not:
- (a) an employee or partner of the Province; or
 - (b) an agent of the Province except as may be expressly provided for in this Agreement.

The Contractor must not act or purport to act contrary to this section.

Personnel not to be employees of Province

- 13.11 The Contractor must not do anything that would result in personnel hired or used by the Contractor or a Subcontractor in relation to providing the Services being considered employees of the Province.

Key Personnel

- 13.12 If one or more individuals are specified as "Key Personnel" of the Contractor in Part 4 of Schedule A, the Contractor must cause those individuals to perform the Services on the Contractor's behalf, unless the Province otherwise approves in writing, which approval must not be unreasonably withheld.

Pertinent information

- 13.13 The Province must make available to the Contractor all information in the Province's possession which the Province considers pertinent to the performance of the Services.

Conflict of interest

- 13.14 The Contractor must not provide any Services to any person in circumstances which, in the Province's reasonable opinion, could give rise to a conflict of interest between the Contractor's duties to that person and the Contractor's duties to the Province under this Agreement.

Time

- 13.15 Time is of the essence in this Agreement and, without limitation, will remain of the essence after any modification or extension of this Agreement, whether or not expressly restated in the document effecting the modification or extension.

Conflicts among provisions

13.16 Conflicts among provisions of this Agreement will be resolved as follows:

- (a) a provision in the body of this Agreement will prevail over any conflicting provision in, attached to or incorporated by reference into a schedule, unless that conflicting provision expressly states otherwise; and
- (b) a provision in a schedule will prevail over any conflicting provision in a document attached to or incorporated by reference into a schedule, unless the schedule expressly states otherwise.

Agreement not permit nor fetter

13.17 This Agreement does not operate as a permit, license, approval or other statutory authority which the Contractor may be required to obtain from the Province or any of its agencies in order to provide the Services. Nothing in this Agreement is to be construed as interfering with, or fettering in any manner, the exercise by the Province or its agencies of any statutory, prerogative, executive or legislative power or duty.

Remainder not affected by invalidity

13.18 If any provision of this Agreement or the application of it to any person or circumstance is invalid or unenforceable to any extent, the remainder of this Agreement and the application of such provision to any other person or circumstance will not be affected or impaired and will be valid and enforceable to the extent permitted by law.

Further assurances

13.19 Each party must perform the acts, execute and deliver the writings, and give the assurances as may be reasonably necessary to give full effect to this Agreement.

Additional Terms

13.20 Any additional Terms set out in the attached Schedule F apply to this Agreement.

Governing law

13.21 This Agreement is governed by, and is to be interpreted and construed in accordance with, the laws applicable in British Columbia.

14 INTERPRETATION

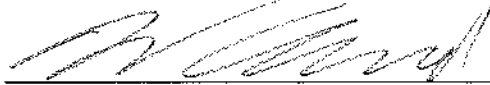
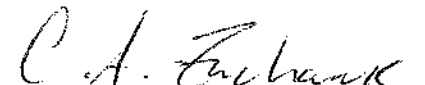
14.1 In this Agreement:

- (a) "includes" and "including" are not intended to be limiting;
- (b) unless the context otherwise requires, references to sections by number are to sections of this Agreement;
- (c) the Contractor and the Province are referred to as "the parties" and each of them as a "party";
- (d) "attached" means attached to this Agreement when used in relation to a schedule;
- (e) unless otherwise specified, a reference to a statute by name means the statute of British Columbia by that name, as amended or replaced from time to time;
- (f) the headings have been inserted for convenience of reference only and are not intended to describe, enlarge or restrict the scope or meaning of this Agreement or any provision of it;
- (g) "person" includes an individual, partnership, corporation or legal entity of any nature; and
- (h) unless the context otherwise requires, words expressed in the singular include the plural and *vice versa*.

15 EXECUTION AND DELIVERY OF AGREEMENT

15.1 This Agreement may be entered into by a separate copy of this Agreement being executed by, or on behalf of, each party and that executed copy being delivered to the other party by a method provided for in section 13.1 or any other method agreed to by the parties.

The parties have executed this Agreement as follows:

<p>SIGNED on the <u>14</u> day of <u>December</u>, 20<u>12</u> by the Contractor (or, if not an individual, on its behalf by its authorized signatory or signatories):</p> <p> Signature(s)</p> <p><u>William Ard</u> Print Name(s)</p> <p><u>Contract Investigator</u> Print Title(s)</p>	<p>SIGNED on the <u>14</u> day of <u>December</u>, 20<u>12</u> on behalf of the Province by its duly authorized representative:</p> <p> Signature</p> <p><u>Christina Zacharak</u> Print Name</p> <p><u>Executive Director</u> Print Title</p>
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Schedule A – Services

PART 1. TERM:

Subject to section 2 of this Part 1, the term of this Agreement commences on December 14, 2012 and ends on March 31, 2013.

PART 2. SERVICES:

Conduct complex and sensitive investigations including in-depth interviews of multiple complaints made to the Commissioner of Teacher Regulation involving potential breaches of professional conduct standards by certificate holders concerning K-12 students.

Outputs

The Contractor must:

1. Complete full investigations of complaints
2. Conduct interviews with multiple witnesses and potential victims including transcribing recorded interviews and
3. Write a detailed report for the Commissioner of Teacher Regulation.

Inputs

The contractor must:

1. Have a computer and software compatible with the ministry's equipment.
2. Have a vehicle to travel to Vancouver Island to conduct interviews at site of the complaints.
3. Follow the instructions of the Commissioner of Teacher Regulation respecting the format and content of the detailed report.
4. Handle the complaint files in compliance with Schedule E (Privacy Protection) and return the complete files to the Teacher Regulation Branch upon completion of the report to the Commissioner.
5. Ensure that the sub-contractor providing transcription service handles the information in compliance with Schedule E (Privacy Protection) and Schedule G (Security).

Outcomes

Through the delivery of the Services the Province wishes to realize the following outcomes and, without limiting the obligation of the Contractor to comply with other provisions of this Part, the Contractor must use commercially reasonable efforts to achieve them:

Prepare a detailed report for the Commissioner of Teacher Regulation respecting specific complaints made to the Commissioner.

The parties acknowledge that the Contractor does not warrant that these outcomes will be achieved.

Reporting requirements

Detailed investigation report as per instructions by the Commissioner of Teacher Regulation on or before March 31, 2013.

PART 3. RELATED DOCUMENTATION:

1. The Contractor must perform the Services in accordance with the obligations set out in this Schedule A including any engagement letter, Solicitation document excerpt, proposal excerpt or other documentation attached as an Appendix to, or specified as being incorporated by reference in, this Schedule.
2. The following are Appendices to this Schedule A:

Appendix 1 – Engagement Letter	ATTACHED: NOT APPLICABLE
Appendix 2 – Solicitation document excerpt	ATTACHED: NOT APPLICABLE
Appendix 3 – Proposal excerpt	ATTACHED: NOT APPLICABLE

PART 4. KEY PERSONNEL:

Not Applicable

Schedule B – Fees and Expenses

1. MAXIMUM AMOUNT PAYABLE:

Maximum Amount: Despite sections 2 and 3 of this Schedule, \$20,000 is the maximum amount which the Province is obliged to pay to the Contractor for fees (exclusive of applicable taxes) and expenses under this Agreement.

2. FEES:

Hourly Rate

Fees: at a rate of \$125 per hour for those hours during the Term when the Contractor provides the Services to a maximum of \$15,000. Payment of fees will be made upon fulfillment of the obligations under this Agreement.

3. EXPENSES:

- a. travel, accommodation and meal expenses for travel greater than 32 kilometers away from Langley, BC on the same basis as the Province pays its Group II employees when they are on travel status (see attached Appendix I to Schedule B); and
- b. the Contractor's actual long distance telephone, fax, postage and other identifiable communication expenses; and transcription costs as required.
- c. Expenses to a maximum of \$5,000.

4. STATEMENTS OF ACCOUNT:

Statements of Account: In order to obtain payment of any fees and expenses under this Agreement for a period from and including the 1st day of a month to and including the last day of that month (each a "Billing Period"), the Contractor must deliver to the Province (to the Contract Manager Karen Krysa) on a date after the Billing Period (each a "Billing Date"), a written statement of account in a form satisfactory to the Province containing:

- (a) the Contractor's legal name and address;
- (b) the date of the statement, and the Billing Period to which the statement pertains;
- (c) the Contractor's calculation of all fees claimed for that Billing Period, including a declaration by the Contractor of all hours worked during the Billing Period for which the Contractor claims fees and a description of the applicable fee rates;
- (d) a chronological listing, in reasonable detail, of any expenses claimed by the Contractor for the Billing Period with receipts attached, if applicable;
- (e) the Contractor's calculation of any applicable taxes payable by the Province in relation to the Services for the Billing Period;
- (f) a description of this Agreement;
- (g) a statement number for identification; and
- (h) any other billing information reasonably requested by the Province.

Invoices may be scanned and emailed or posted to Contract Manager Karen Krysa:

Ministry of Education
Governance, Legislation and Regulation Branch
2nd Floor, 620 Superior Street
Victoria BC V8W 9H1

Email: karen.krysa@gov.bc.ca

5. PAYMENTS DUE:

Payments Due: Within 30 days of our receipt of your written statement of account delivered in accordance with this Schedule, we must pay you the fees (plus all applicable taxes) and expenses, claimed in the statement if they are in accordance with this Schedule. Statements of account or contract invoices offering an early payment discount may be paid by us as required to obtain the discount.

6. HARMONIZED SALES TAX:

Within 30 days of our receipt and approval of your written statement of account, we will pay you the fees (plus any applicable taxes) and expenses claimed in the statement, if they are in accordance with this Schedule. Statements of account offering an early payment discount may be paid by us as required to obtain the discount.

Schedule D – Insurance

1. The Contractor must, without limiting the Contractor's obligations or liabilities and at the Contractor's own expense, purchase and maintain throughout the Term the following insurances with insurers licensed in Canada in forms and amounts acceptable to the Province:
 - (a) Commercial General Liability in an amount not less than \$2,000,000.00 inclusive per occurrence against bodily injury, personal injury and property damage and including liability assumed under this Agreement and this insurance must
 - (i) include the Province as an additional insured,
 - (ii) be endorsed to provide the Province with 30 days advance written notice of cancellation or material change, and
 - (iii) include a cross liability clause;
2. All insurance described in section 1 of this Schedule must:
 - (a) be primary; and
 - (b) not require the sharing of any loss by any insurer of the Province.
3. The Contractor must provide the Province with evidence of all required insurance as follows:
 - (a) within 10 Business Days of commencement of the Services, the Contractor must provide to the Province evidence of all required insurance in the form of a completed Province of British Columbia Certificate of Insurance;
 - (b) if any required insurance policy expires before the end of the Term, the Contractor must provide to the Province within 10 Business Days of the policy's expiration, evidence of a new or renewal policy meeting the requirements of the expired insurance in the form of a completed Province of British Columbia Certificate of Insurance; and
 - (c) despite paragraph (a) or (b) above, if requested by the Province at any time, the Contractor must provide to the Province certified copies of the required insurance policies.
4. The Contractor must obtain, maintain and pay for any additional insurance which the Contractor is required by law to carry, or which the Contractor considers necessary to cover risks not otherwise covered by insurance specified in this Schedule in the Contractor's sole discretion.

Schedule E – Privacy Protection Schedule

Definitions

1. In this Schedule,

- (a) “access” means disclosure by the provision of access;
- (b) “Act” means the *Freedom of Information and Protection of Privacy Act* (British Columbia), as amended from time to time;
- (c) “contact information” means information to enable an individual at a place of business to be contacted and includes the name, position name or title, business telephone number, business address, business email or business fax number of the individual;
- (d) “personal information” means recorded information about an identifiable individual, other than contact information, collected or created by the Contractor as a result of the Agreement or any previous agreement between the Province and the Contractor dealing with the same subject matter as the Agreement but excluding any such information that, if this Schedule did not apply to it, would not be under the “control of a public body” within the meaning of the Act.

Purpose

2. The purpose of this Schedule is to:

- (a) enable the Province to comply with the Province’s statutory obligations under the Act with respect to personal information; and
- (b) ensure that, as a service provider, the Contractor is aware of and complies with the Contractor’s statutory obligations under the Act with respect to personal information.

Collection of personal information

- 3. Unless the Agreement otherwise specifies or the Province otherwise directs in writing, the Contractor may only collect or create personal information that is necessary for the performance of the Contractor’s obligations, or the exercise of the Contractor’s rights, under the Agreement.
- 4. Unless the Agreement otherwise specifies or the Province otherwise directs in writing, the Contractor must collect personal information directly from the individual the information is about.
- 5. Unless the Agreement otherwise specifies or the Province otherwise directs in writing, the Contractor must tell an individual from whom the Contractor collects personal information:
 - (a) the purpose for collecting it;
 - (b) the legal authority for collecting it; and
 - (c) the title, business address and business telephone number of the person designated by the Province to answer questions about the Contractor’s collection of personal information.

Accuracy of personal information

- 6. The Contractor must make every reasonable effort to ensure the accuracy and completeness of any personal information to be used by the Contractor or the Province to make a decision that directly affects the individual the information is about.

Requests for access to personal information

- 7. If the Contractor receives a request for access to personal information from a person other than the Province, the Contractor must promptly advise the person to make the request to the Province unless the Agreement expressly requires the Contractor to provide such access and, if the Province has advised the Contractor of the name or title and contact information of an official of the Province to whom such requests are to be made, the Contractor must also promptly provide that official’s name or title and contact information to the person making the request.

Correction of personal information

- 8. Within 5 Business Days of receiving a written direction from the Province to correct or annotate any personal information, the Contractor must correct or annotate the information in accordance with the direction.
- 9. When issuing a written direction under section 8, the Province must advise the Contractor of the date the correction request to which the direction relates was received by the Province in order that the Contractor may comply with section 10.
- 10. Within 5 Business Days of correcting or annotating any personal information under section 8, the Contractor must provide the corrected or annotated information to any party to whom, within one year prior to the date the correction request was made to the Province, the Contractor disclosed the information being corrected or annotated.
- 11. If the Contractor receives a request for correction of personal information from a person other than the Province, the Contractor must promptly advise the person to make the request to the Province and, if the Province has advised the Contractor of the name or title and contact information

of an official of the Province to whom such requests are to be made, the Contractor must also promptly provide that official's name or title and contact information to the person making the request.

Protection of personal information

12. The Contractor must protect personal information by making reasonable security arrangements against such risks as unauthorized access, collection, use, disclosure or disposal, including any expressly set out in the Agreement.

Storage and access to personal information

13. Unless the Province otherwise directs in writing, the Contractor must not store personal information outside Canada or permit access to personal information from outside Canada.

Retention of personal information

14. Unless the Agreement otherwise specifies, the Contractor must retain personal information until directed by the Province in writing to dispose of it or deliver it as specified in the direction.

Use of personal information

15. Unless the Province otherwise directs in writing, the Contractor may only use personal information if that use is for the performance of the Contractor's obligations, or the exercise of the Contractor's rights, under the Agreement.

Disclosure of personal information

16. Unless the Province otherwise directs in writing, the Contractor may only disclose personal information inside Canada to any person other than the Province if the disclosure is for the performance of the Contractor's obligations, or the exercise of the Contractor's rights, under the Agreement.
17. Unless the Agreement otherwise specifies or the Province otherwise directs in writing, the Contractor must not disclose personal information outside Canada.

Notice of foreign demands for disclosure

18. In addition to any obligation the Contractor may have to provide the notification contemplated by section 30.2 of the Act, if in relation to personal information in the custody or under the control of the Contractor, the Contractor:

- (a) receives a foreign demand for disclosure;
- (b) receives a request to disclose, produce or provide access that the Contractor knows or has reason to suspect is for the purpose of responding to a foreign demand for disclosure; or
- (c) has reason to suspect that an unauthorized disclosure of personal information has occurred in response to a foreign demand for disclosure

the Contractor must immediately notify the Province and, in so doing, provide the information described in section 30.2(3) of the Act. In this section, the phrases "foreign demand for disclosure" and "unauthorized disclosure of personal information" will bear the same meanings as in section 30.2 of the Act.

Notice of unauthorized disclosure

19. In addition to any obligation the Contractor may have to provide the notification contemplated by section 30.5 of the Act, if the Contractor knows that there has been an unauthorized disclosure of personal information in the custody or under the control of the Contractor, the Contractor must immediately notify the Province. In this section, the phrase "unauthorized disclosure of personal information" will bear the same meaning as in section 30.5 of the Act.

Inspection of personal information

20. In addition to any other rights of inspection the Province may have under the Agreement or under statute, the Province may, at any reasonable time and on reasonable notice to the Contractor, enter on the Contractor's premises to inspect any personal information in the possession of the Contractor or any of the Contractor's information management policies or practices relevant to the Contractor's management of personal information or the Contractor's compliance with this Schedule, and the Contractor must permit and provide reasonable assistance to any such inspection.

Compliance with the Act and directions

21. The Contractor must in relation to personal information comply with:
- (a) the requirements of the Act applicable to the Contractor as a service provider, including any applicable order of the commissioner under the Act; and
 - (b) any direction given by the Province under this Schedule.
22. The Contractor acknowledges that it is familiar with the requirements of the Act governing personal information that are applicable to it as a service provider.

Notice of non-compliance

23. If for any reason the Contractor does not comply, or anticipates that it will be unable to comply, with a provision in this Schedule in any respect, the Contractor must promptly notify the Province of the particulars of the non-compliance or anticipated non-compliance and what steps it proposes to take to address, or prevent recurrence of, the non-compliance or anticipated non-compliance.

Termination of Agreement

24. In addition to any other rights of termination which the Province may have under the Agreement or otherwise at law, the Province may, subject to any provisions in the Agreement establishing mandatory cure periods for defaults by the Contractor, terminate the Agreement by giving written notice of such termination to the Contractor, upon any failure of the Contractor to comply with this Schedule in a material respect.

Interpretation

25. In this Schedule, references to sections by number are to sections of this Schedule unless otherwise specified in this Schedule.
26. Any reference to the "Contractor" in this Schedule includes any subcontractor or agent retained by the Contractor to perform obligations under the Agreement and the Contractor must ensure that any such subcontractors and agents comply with this Schedule.
27. The obligations of the Contractor in this Schedule will survive the termination of the Agreement.
28. If a provision of the Agreement (including any direction given by the Province under this Schedule) conflicts with a requirement of the Act or an applicable order of the commissioner under the Act, the conflicting provision of the Agreement (or direction) will be inoperative to the extent of the conflict.
29. The Contractor must comply with the provisions of this Schedule despite any conflicting provision of this Agreement or, subject to section 30, the law of any jurisdiction outside Canada.
30. Nothing in this Schedule requires the Contractor to contravene the law of any jurisdiction outside Canada unless such contravention is required to comply with the Act.

Schedule F – Additional Terms

Not applicable

Schedule G – Security Schedule

Definitions

1. In this Schedule,
- (a) "Equipment" means any equipment, including interconnected systems or subsystems of equipment, software and networks, used or to be used by the Contractor to provide the Services;
 - (b) "Facilities" means any facilities at which the Contractor provides or is to provide the Services;
 - (c) "Information" means information
 - (i) in the Material, or
 - (ii) accessed, produced or obtained by the Contractor (whether verbally, electronically or otherwise) as a result of the Agreement;
 - (d) "Record" means a "record" as defined in the *Interpretation Act* (British Columbia);
 - (e) "Sensitive Information" means
 - (i) Information that is "personal information" as defined in the *Freedom of Information and Protection of Privacy Act* (British Columbia), or
 - (ii) any other Information specified as "Sensitive Information" in Appendix G6, if attached; and
 - (f) "Services Worker" means an individual involved in providing the Services for or on behalf of the Contractor and, for greater certainty, may include
 - (i) the Contractor or a Subcontractor if an individual, or
 - (ii) an employee or volunteer of the Contractor or of a Subcontractor.

Schedule contains additional obligations

2. The obligations of the Contractor in this Schedule are in addition to any other obligations in the Agreement or the schedules attached to it relating to security including, without limitation, the obligations of the Contractor in the Privacy Protection Schedule, if attached.

Services Worker confidentiality agreements

3. The Contractor must not permit a Services Worker who is an employee or volunteer of the Contractor to have access to Sensitive Information unless the Services Worker has first entered into a confidentiality agreement with the Contractor to keep Sensitive Information confidential on substantially similar terms as those that apply to the Contractor under the Agreement.

Services Worker security screening

3. The Contractor may only permit a Services Worker who is an employee or a volunteer of the Contractor to have access to Sensitive Information or otherwise be involved in providing the Services if, after having subjected the Services Worker to the personnel security screening requirements set out in Appendix G1 and any additional requirements the Contractor may consider appropriate, the Contractor is satisfied that the Services Worker does not constitute an unreasonable security risk. The Contractor must create, obtain and retain Records documenting the Contractor's compliance with the security screening requirements set out in Appendix G1 in accordance with the provisions of that appendix.

Services Worker activity logging

5. Subject to section 6, the Contractor must create and maintain detailed Records logging the activities of all Service Workers in relation to:
 - (a) their access to Sensitive Information; and
 - (b) other matters specified by the Province in writing for the purposes of this section.
6. The Records described in section 5 must be made and maintained in a manner, and contain information, specified in Appendix G2, if attached.

Facilities and Equipment protection and access control

7. The Contractor must create, maintain and follow a documented process to:
 - (a) protect Facilities and Equipment of the Contractor required by the Contractor to provide the Services from loss, damage or any other occurrence that may result in any of those Facilities and Equipment being unavailable when required to provide the Services; and
 - (b) limit access to Facilities and Equipment of the Contractor
 - (i) being used by the Contractor to provide the Services, or
 - (ii) that may be used by someone to access Informationto those persons who are authorized to have that access and for the purposes for which they are authorized, which process must include measures to verify the identity of those persons.
8. If the Province makes available to the Contractor any Facilities or Equipment of the Province for the use of the Contractor in providing the Services, the Contractor must comply with any policies and procedures provided to it by the Province on acceptable use, protection of, and access to, such Facilities or Equipment.

Sensitive Information access control

9. The Contractor must:
 - (a) create, maintain and follow a documented process for limiting access to Sensitive Information to those persons who are authorized to have that access and for the purposes for which they are authorized, which process must include measures to verify the identity of those persons; and
 - (b) comply with the information access control requirements set out in Appendix G3, if attached.

Integrity of Information

10. The Contractor must:
 - (a) create, maintain and follow a documented process for maintaining the integrity of Information while possessed or accessed by the Contractor; and
 - (b) comply with the information integrity requirements set out in Appendix G4, if attached.

11. For the purposes of section 10, maintaining the integrity of Information means that, except to the extent expressly authorized by the Agreement or approved in writing by the Province, the Information has:
- (a) remained as complete as when it was acquired or accessed by the Contractor; and
 - (b) not been altered in any material respect.

Documentation of changes to processes

12. The Contractor must create and maintain detailed Records logging any changes it makes to the processes described in sections 7, 9 and 10.

Notice of security breaches

13. If Contractor becomes aware that:

- (a) unauthorized access, collection, use, disclosure, alteration or disposal of Information or Records containing Information; or
- (b) unauthorized access to Facilities or Equipment

has occurred or is likely to occur (whether or not related to a failure by the Contractor to comply with this Schedule or the Agreement), the Contractor must immediately notify the Province of the particulars of that occurrence or likely occurrence. If the Contractor provides a notification under this section other than in writing, that notification must be confirmed in writing to the Province as soon as it is reasonably practicable for the Contractor to do so.

Review of security breaches

14. If the Province decides to conduct a review of a matter described in section 13 (whether or not the matter came to the attention of the Province as a result of a notification under section 13), the Contractor must, on the request of the Province, participate in the review to the extent that it is reasonably practicable for the Contractor to do so.

Retention of Records

15. Unless the Agreement otherwise specifies, the Contractor must retain all Records in the Contractor's possession that contain Information until directed by the Province in writing to dispose of it or deliver it as specified in the direction.

Storage of Records

16. Until disposed of or delivered in accordance with section 15, the Contractor must store any Records in the Contractor's possession that contain Information in accordance with the provisions of Appendix G5, if attached.

Audit

17. In addition to any other rights of inspection the Province may have under the Agreement or under statute, the Province may, at any reasonable time and on reasonable notice to the Contractor, enter on the Contractor's premises to inspect and, at the Province's discretion, copy:

- (a) any Records in the possession of the Contractor containing Information; or
- (b) any of the Contractor's Information management policies or processes (including the processes described in sections 7, 9 and 10 and the logs described in sections 5 and 12) relevant to the Contractor's compliance with this Schedule

and the Contractor must permit, and provide reasonable assistance to the exercise by the Province of the Province's rights under this section.

Termination of Agreement

18. In addition to any other rights of termination which the Province may have under the Agreement or otherwise at law, the Province may, subject to any provisions in the Agreement establishing mandatory cure periods for defaults by the Contractor, terminate the Agreement by giving written notice of such termination to the Contractor, upon any failure of the Contractor to comply with this Schedule in a material respect.

Interpretation

19. In this Schedule, unless otherwise specified:

- (a) references to sections are to sections of this Schedule; and
- (b) references to appendices are to the appendices attached to this Schedule.

20. Any reference to the "Contractor" in this Schedule includes any Subcontractor retained by the Contractor to perform obligations under the Agreement and the Contractor must ensure that any such Subcontractors comply with this Schedule.

21. The appendices attached to this Schedule are part of this Schedule.
22. If there is a conflict between a provision in an appendix attached to this Schedule and any other provision of this Schedule, the provision in the appendix is inoperative to the extent of the conflict unless the appendix states that it operates despite a conflicting provision of this Schedule.
23. If there is a conflict between:
 - (a) a provision of the Agreement, this Schedule or an appendix attached to this Schedule; and
 - (b) a documented process required by this Schedule to be created or maintained by the Contractorthe provision of the Agreement, Schedule or appendix will prevail to the extent of the conflict.
24. The obligations of the Contractor in this Schedule will survive the termination of the Agreement.

SCHEDULE G – Appendix G1 – Security screening requirements

The personnel security screening requirements set out in this Appendix G1 are for the purpose of assisting the Contractor determine whether or not a Services Worker constitutes an unreasonable security risk.

Verification of name, date of birth and address

1. The Contractor must verify the name, date of birth and current address of a Services Worker by viewing at least one piece of “primary identification” of the Services Worker and at least one piece of “secondary identification” of the Services Worker,* as described in the table following this section. The Contractor must obtain or create, as applicable, Records of all such verifications and retain a copy of those Records. For a Services Worker from another province or jurisdiction, reasonably equivalent identification documents are acceptable.

Primary Identification	Secondary Identification
Issued by ICBC: <ul style="list-style-type: none"> • B.C. driver’s licence or learner’s licence (must have photo) • B.C. Identification (BCID) card Issued by provincial or territorial government: <ul style="list-style-type: none"> • Canadian birth certificate Issued by Government of Canada: <ul style="list-style-type: none"> • Canadian Citizenship Card • Permanent Resident Card • Canadian Record of Landing/Canadian Immigration Identification Record 	<ul style="list-style-type: none"> • School ID card (student card) • Bank card (only if holder’s name is on card) • Credit card (only if holder’s name is on card) • Passport • Foreign birth certificate (a baptismal certificate is not acceptable) • Canadian or U.S. driver’s licence • Naturalization certificate • Canadian Forces identification • Police identification • Foreign Affairs Canada or consular identification • Vehicle registration (only if owner’s signature is shown) • Picture employee ID card • Firearms Acquisition Certificate • Social Insurance Card (only if has signature strip) • B.C. CareCard • Native Status Card • Parole Certificate ID • Correctional Service Conditional Release Card

*It is not necessary that each piece of identification viewed by the Contractor contains the name, date of birth and current address of the Services Worker. It is sufficient that, in combination, the identification viewed contains that information.

Verification of education and professional qualifications

2. The Contractor must verify, by reasonable means, any relevant education and professional qualifications of a Services Worker, obtain or create, as applicable, Records of all such verifications, and retain a copy of those Records.

Verification of employment history and reference checks

3. The Contractor must verify, by reasonable means, any relevant employment history of a Services Worker, which will generally consist of the Contractor requesting that a Services Worker provide employment references and the Contractor contacting those references. If a Services Worker has no relevant employment history, the Contractor must seek to verify the character or other relevant personal characteristics of the Services Worker by requesting the Services Worker to provide one or more personal references and contacting those references. The Contractor must obtain or create, as applicable, Records of all such verifications and retain a copy of those Records.

Security interview

4. The Contractor must allow the Province to conduct a security-focused interview with a Services Worker if the Province identifies a reasonable security concern and notifies the Contractor it wishes to do so.



December 14, 2012

CONFIDENTIAL

Mr William Ard
William Ard Investigation Services
20586 93A Avenue
Langley BC V1M 1Z1

Dear Mr Ard:

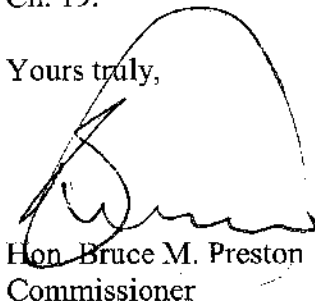
Re: Contract Investigations

This letter confirms that the Commissioner for Teacher Regulation in the Province of British Columbia has retained you to conduct investigations into complaints regarding the conduct of the following persons:

s.22

This investigation is carried out pursuant to the provisions of the *Teachers Act*, SBC 2011, Ch. 19.

Yours truly,



Hon. Bruce M. Preston
Commissioner

BP:wi

Sutherland, Billy EDUC:EX

From: Bill Ard [bill.ard@shaw.ca]
Sent: January 11, 2013 3:56 PM
To: Sutherland, Billy EDUC:EX
Subject: Re: Letter from counsel for s.22

Hello Billy. I received a copy of the letter from s.22 directly. I have replied to s.22 by email acknowledging receipt of the letter. I told s.22 I will not be providing s.22 with the proposed steps of my investigation nor the order of interviewing relevant parties.

Bill Ard

From: Sutherland, Billy EDUC:EX
Sent: Friday, January 11, 2013 10:20 AM
To: mailto:bill.ard@shaw.ca
Cc: Hodak, Katarina EDUC:EX ; Ip, Winson EDUC:EX
Subject: Letter from counsel for s.22

Hi Bill

Attached is a letter we received by fax this morning for s.22 file.

Let me know if I can be of further assistance.

| **Billy Sutherland, Confidential Assistant Investigations**
| Teacher Regulation Branch; Governance, Legislation and Regulation
| Ministry of Education | Phone 604.731.8170 x365 Fax 604.731.9145 | www.bcteacherregulation.ca

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Ip, Winson EDUC:EX

From: Ip, Winson EDUC:EX
Sent: January 15, 2013 10:55 AM
To: 'BBIGELOW@saanichpolice.ca'; 'Bill Ard'
Cc: Preston, Bruce EDUC:EX; Zacharuk, Christina EDUC:EX
Subject: Delegation Powers for Bill Ard
Attachments: Commissioner Delegation for TRB.pdf

Dear Mr. Bigelow

Please find enclosed the delegation powers from Hon. Bruce Preston, Commissioner, for William Ard. If you have any questions or concerns, please contact me directly.

Winson Ip
Investigator
Teacher Regulation Branch
Governance, Legislation and Regulation
Ministry of Education
400 - 2025 West Broadway
Vancouver BC V6J 1Z6
Tel: 604-714-5364
Fax: 604-731-9145

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December 14, 2012

CONFIDENTIAL

Mr William Ard
William Ard Investigation Services
20586 93A Avenue
Langley BC V1M 1Z1

Dear Mr Ard:

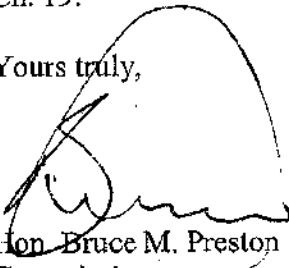
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This investigation is carried out pursuant to the provisions of the *Teachers Act*, SBC 2011, Ch. 19.

Yours truly,



Hon. Bruce M. Preston
Commissioner

BP:wi

Office of the Commissioner
for Teacher Regulation

Mailing Address:
400 - 2025 West Broadway
Vancouver BC V6J 1Z6

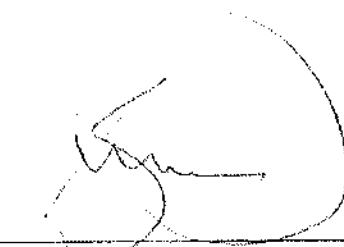
Telephone: 604 731-8170
Toll Free: 1 800 555-3684
Facsimile: 604 731-9145



November 26, 2012

Pursuant to section 3 of the *Teachers Act*, I, Bruce McLean Preston, Commissioner, delegate my statutory duties and powers in sections 44, 47(1), 47(2), 48(1)(b) and 49 of the *Teachers Act* to the employees of the Teacher Regulation Branch of the Ministry of Education filling the following positions from time to time:

- Director of Professional Conduct;
- Investigator;
- Confidential Assistant – Investigations;
- Intake Officer; and
- Confidential Assistant – Intake.



Bruce McLean Preston, Commissioner

Ip, Winson EDUC:EX

From: Bill Ard [bill.ard@shaw.ca]
Sent: January 15, 2013 10:32 AM
To: Zacharuk, Christina EDUC:EX; Ip, Winson EDUC:EX
Subject: Fw: SMUS

Good morning Christina and Winson. I haven't received any reply from the Commissioner yet so I don't know if he has seen this or not. Could one of you check into this please and ensure that he or a delegate sends confirmation to Bob Bigelow at Saanich PD today please. Email exchange below explains the issue and also has the email addresses. Please ensure that Cst. Grenier and I are copied with the response.

Thanks

Bill Ard

From: Bob Bigelow
Sent: Tuesday, January 15, 2013 8:57 AM
To: 'Bill Ard' ; bruce.preston@gov.bc.ca
Cc: Jeff Grenier
Subject: RE: SMUS

Good Morning Bill,

I have listened to your voice mail and have reviewed your email. An official confirmation from Mr. PRESTON will suffice.

Regards,

Bob Bigelow

Information & Privacy Coordinator
Saanich Police
Office: (250) 475-4307
Fax: (250) 475-4939
bbigelow@saanichpolice.ca

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Please consider the environment before printing this e-mail or its attachment(s)

From: Bill Ard [mailto:bill.ard@shaw.ca]
Sent: Tuesday, January 15, 2013 8:43 AM
To: Bob Bigelow; bruce.preston@gov.bc.ca

Cc: Jeff Grenier
Subject: Re: SMUS

Hello Bob – I left you a bit of a long winded voice mail – sorry.

I am a private investigator licensed in the Province of BC. I have been contracted by the Ministry of Education, Teacher Regulation Branch to conduct this one investigation. I am copying Bruce Preston, the Commissioner of the Teacher Regulation Branch with this email for his information and also for confirming my status. I believe that he will be able to provide whatever you will require for me to have authority to receive information from your police file in relation to this investigation. Hopefully an email from him will suffice but if you could reply all to this email with whatever you require please.

Commissioner – as you will note Bob Bigelow is the information and privacy coordinator for Saanich Police Department. Cst. Jeff Grenier from Saanich PD has dealt with two complaints at St Michaels University School. ^{s.16}

s.16

s.16 I was in touch with Cst. Grenier last week and I have provided them with the MOU (copy attached) which permits information sharing between TRB and Saanich PD. There is a list (see s. 2.4 of attached MOU), which hasn't been updated since January of 2011, of persons at TRB authorized to receive information from Saanich PD. I don't have that list and naturally I am not on it. Saanich PD is requiring some form of proof that I am authorized by TRB to receive information. I am planning on travelling to Victoria tomorrow (January 16th) and have an appointment to meet with Cst. Grenier at 2 pm so this has some urgency. Sorry to drop this on you with such short notice.

William (Bill) Ard, investigator
cell 604 831-3048

From: Bob Bigelow
Sent: Tuesday, January 15, 2013 7:41 AM
To: <mailto:bill.ard@shaw.ca>
Cc: Jeff Grenier
Subject: RE: SMUS

Good Morning Bill,

Jeff GRENIER has passed this email string along to me for review. With respect to article 2.4 of the MOU, the most recent List of Authorized Employees that I have in my possession is from January 2011. I do not note your name on that list. Would you please provide me with an updated list and include Jeff in your response.

Thank you,

Bob Bigelow

Information & Privacy Coordinator
Saanich Police
Office: (250) 475-4307
Fax: (250) 475-4939
bbigelow@saanichpolice.ca

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Please consider the environment before printing this e-mail or its attachment(s)

From: Jeff Grenier
Sent: Monday, January 14, 2013 4:10 PM
To: Bob Bigelow
Subject: FW: SMUS

Hi Bob – I have a retired RCMP officer who now works for BC Teacher Reg coming in on Wednesday to interview me for a file. I asked for any document (M.O.U) to show that I can release info to him. He sent me the attached memo. I wanted to check with you that this is still in effect (M.O.U) was issued in Mar 2003.

Thanks

Jeff

From: Bill Ard [<mailto:bill.ard@shaw.ca>]
Sent: Thursday, January 10, 2013 4:10 PM
To: Jeff Grenier
Subject: Re: SMUS

Hi Jeff. I found the MOU with Saanich PD. I have attached it for your info.

You will notice that the MOU is with the BCCT (BC College of Teachers). The BCCT was an entity under the TPA (Teacher Profession Act) which was replaced with the Teacher Act. The Teacher Act changed the BCCT to the Teacher Regulation Branch which is who has contracted me. They are a branch within the Ministry of Education.

Section 87(4) of the Teachers Act states

“On and after the date on which the former Act is repealed, a reference to the council of the College of Teachers or to the College of Teachers in any commercial paper, contract, lease, licence, permit or other instrument or document is deemed to be a reference to the government.”

The Branch is apparently in the process of redoing the MOU's but for the time being has been relying on Section 87(4) for the continuation of the MOU's with each police force.

Let me know if there are any concerns with any of this and I will try to get it straightened out before next wednesday.

Thanks

Bill Ard

From: Jeff Grenier
Sent: Thursday, January 10, 2013 10:24 AM
To: <mailto:bill.ard@shaw.ca>
Subject: Re: SMUS

Hi Bill - I took s.22
until 2 on the 16th, but free from 2 to 4.

and don't have my planner with me. I think I'm tied up

Merci

Jeff

From: Bill Ard [<mailto:bill.ard@shaw.ca>]
Sent: Thursday, January 10, 2013 10:19 AM
To: Jeff Grenier
Subject: SMUS

Hello Jeff. Thank you for your call yesterday. I am planning on coming to the Island on Wed January 16th and staying until Sunday Jan 20th. I would like to meet with you in the afternoon of Jan 16th if possible. 1 pm would work for me if that is free for you.

I am attempting to locate the MOU between the Ministry of Education and BC Police forces. When I find it I will send it to you.

Thanks

Bill Ard
604 831-3048

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Sutherland, Billy EDUC:EX

From: Sutherland, Billy EDUC:EX
Sent: Friday, November 28, 2014 10:46 AM
To: XT:Ard, William FLNR:IN
Subject: RE: SMUS investigations

I'm very sorry, Bill.

That email was my notes on what Bruce was responding to your questions.

I must have hit the "SEND" button instead of "SAVE", without making it a little more comprehensible, formal and polite.

Here's the version I would rather have sent, and will send again for your records!

Hi Bill

Unfortunately, we are not able to share the no further action (NFA) letters because of the implications of FOIPPA. Section 52(2) of the *Teachers Act* specifies that we must inform the complainant, the certificate holder, and the employer. FOIPPA rules out sharing any further than that. See below for section 52(2) of the *Teachers Act*.

Mr Daly's consensual resolution agreement is the only thing we can share, as it is now in the public domain.

There is still a possibility that the complainant will be a filing for a judicial review, therefore we must keep all the documentation available should the judge require it.

Just for context, our usual practice is to send the "NFA" letter to the complainant, copying the certificate holder and the employer. These "NFA" letters set out the circumstances that led to the Commissioner making the determination not to take any further action. The letter would include information about the specific facts and circumstances explained in the investigation report and/or information contained in any response from the certificate holder(s).

These "NFA" determinations are made pursuant to section 52 of the *Teachers Act*, which states:

- 52(1) The commissioner may decide not to take further action in respect of one or more of the matters related to an investigation after the investigation is concluded if the commissioner determines that any of the following apply:*
- (a) the matter is not within the jurisdiction of the commissioner or a panel;*
 - (b) the matter is frivolous, vexatious or trivial or gives rise to an abuse of process;*
 - (c) the report or complaint that led to the investigation was made in bad faith or filed for an improper purpose or motive;*
 - (d) there is no reasonable prospect that the report or complaint or a matter relating to the investigation will result in an adverse finding by a panel;*
 - (e) it is not in the public interest to take further action in respect of the matter;*
 - (f) the matter has not been not pursued in a timely manner.*
- (2) If the commissioner decides not to take further action, the commissioner must provide written reasons to the following, as applicable:*
- (a) the authorized person who is the subject of the investigation;*
 - (b) the person who sent the report or complaint to the commissioner;*
 - (c) if the authorized person is employed by a board of education or an independent*

school authority, the board of education or independent school authority.

I hope this helps clarify the process for you.

Thank you again for your continued efforts on our behalf.

| **Billy Sutherland, Confidential Assistant, Commissioner**
| Office of the Commissioner for Teacher Regulation
| 400-2025 West Broadway, Vancouver BC V6J 1Z6
| Phone 604.775.4874 Fax 604.775.4858
| <http://www.bcteacherregulation.ca/ProfessionalConduct/CommissionersOffice.aspx>

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-----Original Message-----

From: Bill Ard [mailto:bill.ard@shaw.ca]
Sent: Thursday, November 27, 2014 6:50 PM
To: Sutherland, Billy EDUC:EX
Subject: Re: SMUS investigations

OK will do. Thanks Billy.

Bill Ard

-----Original Message-----

From: Sutherland, Billy EDUC:EX
Sent: Thursday, November 27, 2014 11:17 AM
To: XT:Ard, William FLNR:IN
Subject: RE: SMUS investigations

File is still active, please keep notes.

Cant share because foippal the only people we can send letters to are
school, teachers, and complainants.

Daly only disciplinary action taken on this file.

| Billy Sutherland, Intake Officer
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6J 1Z6
| Phone 604.775.4874 Fax 604.775.4858
| www.bcteacherregulation.ca<<http://www.bcteacherregulation.ca/>>

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From: Bill Ard [mailto:bill.ard@shaw.ca]
Sent: Thursday, November 27, 2014 7:28 AM
To: Sutherland, Billy EDUC:EX

Subject: Re: SMUS investigations

Hello Billy. I never received copies of the letters to the complainants. If you are able to send them to me I would be interested to see them.

I see from your web site that Regan Daly entered into a consent agreement in relation to one allegation. I am assuming that is the only action taken on this file. Could you confirm that the file is closed now so I can dispose of my notes and copies of material.

Thanks
Bill Ard

From: Sutherland, Billy EDUC:EX<mailto:Billy.Sutherland@gov.bc.ca>
Sent: Friday, March 07, 2014 5:09 PM
To: 'Bill Ard'<mailto:bill.ard@shaw.ca>
Subject: RE: SMUS investigations

Hi Bill

s.14

I'll gladly send you copies of the letters to the complainants – the Commissioner just writes one letter with reasons, to the complainants. The certificate holder and school are copied on that letter.

At the moment four different people are drafting those letters, so it may take a while.

Thanks.

| Billy Sutherland, Intake Officer
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.775.4874 Fax 604.775.4858
| www.bcteacherregulation.ca<<http://www.bcteacherregulation.ca/>>
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P Please consider the environment before printing this email.

From: Bill Ard [mailto:bill.ard@shaw.ca]
Sent: Friday, March 7, 2014 17:06
To: Sutherland, Billy EDUC:EX
Subject: Re: SMUS investigations

Hello Billy. Thank you for letting me know the Commissioner's decision. I am not surprised. If it is no trouble I am interested in reading the Commissioner's no further action letters. I am assuming a copy of the letter will go to the complainant. If there are different versions for

complainant and for the teacher, I would appreciate receiving both. There is a chance that I will be contacted by the parents and if so it will be helpful to know what they have been told. Over the past year I have received emails from a few parents inquiring and I have told them that I don't know what the decision will be but that I know that this case is a top priority for the Commissioner and that he is giving it his full attention and that it is a complex case.

Thanks

Bill Ard

From: Sutherland, Billy EDUC:EX<mailto:Billy.Sutherland@gov.bc.ca>
Sent: Friday, March 07, 2014 4:12 PM
To: <mailto:bill.ard@shaw.ca>
Subject: SMUS investigations

Hi Bill

On four of the six complaints that you investigated, the Commissioner determined not to take any further action.

s.22

The sixth complaint, on Mr Daly, the Commissioner would like to proceed by way of a consensual resolution. Usually this requires some sort of admission of misconduct and a sanction – reprimand, suspension or cancellation of their certificate.

If you want more information about these complaints, or if you would like to receive copies of the “No Further Action” letters, let me know, and I'll keep you in the loop.

Please contact me if you have any questions.

| Billy Sutherland, Confidential Assistant, Commissioner
| Office of the Commissioner for Teacher Regulation
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.775.4874 Fax 604.775.4858
|
<http://www.bcteacherregulation.ca/ProfessionalConduct/CommissionersOffice.aspx>

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Sutherland, Billy EDUC:EX

From: Sutherland, Scott GCPE:EX
Sent: Friday, January 9, 2015 3:57 PM
To: Sutherland, Billy EDUC:EX
Subject: RE: Statement to media

Here is the statement sent to the Toronto Star's Robert Cribb on Dec 5, 2014 (9:58 am PST)

Statement from the Office of the Commissioner for Teacher Regulation

The safety and wellbeing of all students in British Columbia is absolutely paramount, as is maintaining high standards of conduct for the teaching profession.

With the establishment of the Teacher Regulation Branch in 2012, B.C. has one of the most fair, independent and transparent systems when it comes to the discipline and certification of teachers in Canada.

It is the responsibility of the Commissioner for Teacher Regulation to oversee all discipline processes and appeals. As an independent statutory decision maker, the Commissioner reviews all reports and complaints about the conduct of certificate holders and determines what action – if any – is required.

The Commissioner is committed to ensuring that, when concerns are brought forward, they are reviewed thoroughly, transparently and expeditiously in the best interest of students, teachers and the public at large.

In all instances where it is decided not to take further action, reasons are provided to the complainant and the certificate holder.

If discipline is imposed by consent resolution or after a hearing before a panel, the consent resolution agreement or the reasons of the panel are posted on the Teacher Regulation Branch website.

Decisions to take no further action and decisions of a panel are subject to judicial review.

The Commissioner does not speak to the specifics of individual cases due to restrictions placed on the disclosure of private information by the *Freedom of Information and Protection of Privacy Act*. However, if someone feels they have relevant information concerning a particular complaint, they are encouraged to contact the Teacher Regulation Branch immediately.

In addition, in response to a very similar request to the Education Minister for response and an interview, this was provided to Mr. Cribb on Dec 12, 2014:

Statement from Education Minister Peter Fassbender

"I have full confidence in the British Columbia Teacher Regulation Branch and the Commissioner for Teacher Regulation.

"We are fortunate to have Bruce Preston, a retired B.C. Supreme Court Justice with vast experience in administrative law, as our commissioner.

"In all cases where the commissioner investigates, detailed reasons for his decisions are shared with the complainant or complainants."

"If a complainant is not satisfied with decisions made by the commissioner, the complainant has the option to seek a judicial review."

SwS.

From: Sutherland, Billy EDUC:EX
Sent: Friday, January 9, 2015 2:16 PM
To: Sutherland, Scott GCPE:EX
Subject: Statement to media

Hi Scott

Do you have a final copy of the written statement issued to the press team that wanted to know about the SMUS complaints?


I'd like a copy for our records, if that's possible.

Hope all is well.

b

| **Billy Sutherland, Intake Officer**
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6J 1Z6
| Phone 604.775.4874 Fax 604.775.4858
| www.bcteacherregulation.ca

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Sutherland, Billy EDUC:EX

From: Preston, Bruce EDUC:EX
Sent: Monday, December 22, 2014 9:24 AM
To: Sutherland, Billy EDUC:EX
Subject: FW: Important Information for SMUS Parents

| **Hon. Bruce M Preston, Commissioner for Teacher Regulation**
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.775.4874 Fax 604.775.4858
| <http://www.bcteacherregulation.ca/ProfessionalConduct/CommissionersOffice.aspx>

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From: Sutherland, Scott GCPE:EX
Sent: Wednesday, December 17, 2014 4:30 PM
To: Preston, Bruce EDUC:EX
Cc: Clarke, Wilma EDUC:EX
Subject: FW: Important Information for SMUS Parents

FYI



St. Michaels University School
Outstanding preparation for higher learning and for life.

December 17, 2014

Dear SMUS Parents

The school was recently contacted by a Toronto media outlet that is investigating a story concerning allegations of bullying, verbal abuse and unfair decisions about playing time by SMUS basketball coaches, arising from parental complaints almost three years ago. We do not know when this story may run but I want to provide you with the facts now.

To begin with, I want to assure you that our focus has always been, and continues to be, the creation of the best possible educational environment for all of our students.

Since the initial complaints were brought to the administration's attention in the spring of 2012, the complaints have been investigated on four occasions by independent parties. These investigations have included the police, the Ombudsman of BC Independent Schools, an independent investigator approved by all parties involved, and finally the Teacher Regulation Branch, the government body responsible for the conduct of teachers.

All of these processes made no findings of bullying, verbal abuse or unfair playing against the coaches.

Throughout, students' welfare has been our top priority. In all our programs, we are committed to providing an environment that is full of challenging and rewarding opportunities. We aspire to offer all our students a positive and fulfilling experience, and if we fall short in that regard we must and will address shortcomings. We have implemented the recommendations that have emerged from these processes and have taken additional steps beyond those recommendations. We have instituted a code of conduct for everyone: players, coaches and parents; we have contracted for the past three years with one of Canada's top coaching performance consultants to work with our coaches from the elementary division to Grade 12. In addition our "coaches' coach" has provided rigorous observation and feedback sessions, conducted workshops for groups of coaches, and contributes research and guidance to SMUS's Athletic planning.

We have also undertaken a review of our Athletic program to follow on the review conducted in 2005. This review has recently been completed, and I look forward to sharing its key findings and recommendations with you in the new year. The survey results connected to this review are very positive and the recommendations will deepen the ways our Athletic program aligns with our mission and vision.

The school cares deeply about its students, their welfare and their experience of education – and by extension, their experience of sport. The allegations and the resulting investigations have been a difficult challenge for everyone. Our staff have responded with patience and professionalism throughout this process.

A point-form summary of the facts follows this message. Many of the details of each of the four investigations, given the involvement of students, are confidential. I have shared with you all the facts that I am able to share. Please feel free to contact us should you have any questions but also understand that there are few details beyond what is in this email that we can disclose at this time. The first point of contact for your questions over the next

few weeks will be our Director of Communications, Laura Authier.

The Toronto media outlet working on the story has invited us to comment on the allegations in an interview. We have a very compelling message to convey – of timely, thorough and professional examination of all the complaints – and we are considering the offer seriously. However, we see no purpose in answering allegations in the media that have been thoroughly and repeatedly addressed in four formal external processes; therefore to date we have not been persuaded. All the allegations were dealt with in the investigative processes outlined below, and the coaches have been cleared of the allegations that were raised. Any interaction with the media on behalf of the School will be conducted by the Head of School, Bob Snowden, or our Director of Communications, Laura Authier.

Finally, I repeat that our priority always is to create an environment that fulfills the promise of our students.

With sincere regards,

Bob Snowden
Head of School

Timeline of Events



- In the spring of 2012, a small group of parents approached the school with concerns regarding the treatment of players by coaches during games and practices. The complaints focused on alleged bullying behaviour, vulgar language, and unfair allocation of playing time. At one point, allegations of verbal and emotional abuse were raised.
- The school took the mention of abuse very seriously and immediately approached the school's Police Liaison Officer for guidance. He reviewed the situation, spoke with several parents and coaches, and in consultation with his colleagues at Saanich Police, determined that there was no basis for further investigation or criminal proceedings.
- The Head of School then met over a period of weeks with a those parents and students who voiced complaints. In June, 2012, as the coaches had not yet had a chance to hear the allegations, the Head of School asked the Ombudsman of BC Independent Schools to review the situation and make recommendations.

- The Ombudsman conducted an investigation, considered submissions, spoke with affected parties and reviewed student statements. The Ombudsman found it impossible to make conclusions without questioning students, a step which the complaining parents would not permit. Instead, the Ombudsman made recommendations that included a code of conduct and professional development for our athletics coaches. These recommendations were implemented.
- The Board of Governors felt that it was important to look into the issue as thoroughly as possible and therefore commissioned a third investigation conducted by John Sanderson, a respected lawyer who is part of the Sport Dispute Resolution Centre of Canada panel of arbitrators and mediators, and a member of the Indian Residential School Abuse Adjudication Program. The choice of John Sanderson was approved by the complaining parents and their lawyer, who met with Mr. Sanderson to discuss the terms of the investigation.
- Mr. Sanderson interviewed over 30 students and met with the complainants and teachers. He conducted an exhaustive investigation. In his written report, Mr. Sanderson determined that the coaches displayed “no behaviours that were deliberately abusive or demeaning or constituted inappropriate interference with a person’s enjoyment of a school activity.” They were, in fact, committed and highly qualified. He recommended a reconciliation process, among other things. None of the complainants responded to the offer of a reconciliation process. The school shared the full report with the parents, students and staff members involved in this case.
- Almost immediately after the release of the Sanderson report, in the fall of 2012, one of the complaining parents made several complaints to the Teacher Regulation Branch, the body that oversees teacher conduct. These complaints against a number of school staff, stemming from the same incidents, resulted in a fourth investigation by an external body.
- This investigation was also exhaustive and comprehensive. The Teacher Regulation Branch (TRB) appointed an investigator who was a former lawyer and senior RCMP officer. The investigation lasted from December, 2012 until the middle of April, 2013. Again, dozens of students were interviewed, along with parents and the teachers involved.
- The results of the investigation were then passed to the Commissioner of the Teacher Regulation Branch, a former BC Supreme Court Judge. The individual reports, with the findings, were issued at intervals over the summer and fall of this year. The last one was issued in October of this year. In each case, the reports dismissed the complaints against all of the coaches for any allegations of bullying,

verbal abuse, or unfair playing time. Throughout, students' welfare has been our top priority. In all our programs, we are committed to providing an environment that is full of challenging and rewarding opportunities. The school cares deeply about its students and their experience of education – and by extension, their experience of sport. We believe that every action taken reflects these principles.

SMUS
3400 Richmond Rd.
Victoria, BC V8P 4P5
Canada

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Sutherland, Billy EDUC:EX

From: Sutherland, Billy EDUC:EX
Sent: Tuesday, December 23, 2014 2:12 PM
To: XT:Ard, William FLNR:IN
Subject: FW: Important Information for SMUS Parents

Hi Bill

Bruce asked me to forward the communiqué below.

Hope your holidays are enjoyable.

| **Billy Sutherland, Confidential Assistant, Commissioner**
| Office of the Commissioner for Teacher Regulation
| 400-2025 West Broadway, Vancouver BC V6J 1Z6
| Phone 604.775.4874 Fax 604.775.4858
| <http://www.bcteacherregulation.ca/ProfessionalConduct/CommissionersOffice.aspx>

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FYI



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Rodriguez, Ana EDUC:EX

From: Mirbagheri, Sarvi EDUC:EX
Sent: Tuesday, January 6, 2015 10:19 AM
To: Jackson, Stephanie A JAG:EX; Boyd, Maureen JAG:EX; Preston, Bruce EDUC:EX; Sutherland, Billy EDUC:EX
Subject: FW: Draft letter for Minister
Attachments: Fassbender - s.22 draft outgoing.docx

Hi everyone,

I have asked to be given a copy of the final version that actually goes out from the Minister. This has now been approved by Paige. I can't see a lot if any changes from this point on.

Cheers
Sarvi

From: D'Angelo, Jody EDUC:EX
Sent: Tuesday, January 6, 2015 10:16 AM
To: Mirbagheri, Sarvi EDUC:EX
Subject: FW: Draft letter for Minister

Oops, sent you the wrong one! Here it is!

From: Wensley, Stacey EDUC:EX
Sent: Monday, January 5, 2015 10:19 AM
To: D'Angelo, Jody EDUC:EX
Subject: FW: Draft letter for Minister

fyi

From: MacFarlane, Paige EDUC:EX
Sent: Monday, January 5, 2015 10:05 AM
To: Wensley, Stacey EDUC:EX
Subject: FW: Draft letter for Minister

Approved – no changes – thank you!

Paige MacFarlane

Assistant Deputy Minister | Partner Relations | Ministry of Education
Office: 250-356-0891 | Mobile: 250-415-7545
paige.macfarlane@gov.bc.ca
www.bcedplan.ca
twitter: @edupaige

From: Wensley, Stacey EDUC:EX
Sent: Monday, January 5, 2015 8:35 AM
To: MacFarlane, Paige EDUC:EX
Subject: FW: Draft letter for Minister

For your approval

From: D'Angelo, Jody EDUC:EX
Sent: Tuesday, December 30, 2014 10:34 AM
To: Wensley, Stacey EDUC:EX
Subject: FW: Draft letter for Minister

Hi Stacey,

I think this would belong to CLIFF 179209? Or should I create a new log?

Thanks!

Jody

From: Mirbagheri, Sarvi EDUC:EX
Sent: Tuesday, December 30, 2014 10:32 AM
To: D'Angelo, Jody EDUC:EX
Cc: Clarke, Wilma EDUC:EX; MacFarlane, Paige EDUC:EX
Subject: Draft letter for Minister

Hi Jody,

The attached has been approved by Paige, and is ready to be Cliffed and sent up the chain for approval by the Minister's office. May I ask you to do that? I really appreciate it.

Cheers

Sarvi

Sarvi Mirbagheri | Director, Professional Conduct Unit
Teacher Regulation Branch | Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6
Telephone: 604.775.4841
Fax: 604.775.4858
Email: Sarvi.Mirbagheri@gov.bc.ca
www.bcteacherregulation.ca

Sutherland, Billy EDUC:EX

From: Cribb, Robert <rcribb@thestar.ca>
Sent: Monday, November 24, 2014 2:02 PM
To: Minister, EDUC EDUC:EX
Subject: Toronto Star/CTV Interview Request

Categories: PR - Draft Minister

November 24, 2014

Honourable Peter Fassbender
British Columbia Minister of Education
PO Box 9045 Stn Prov Govt
Victoria BC V8W 9E2
educ.minister@gov.bc.ca

Dear Minister Fassbender:

I am a journalist at the Toronto Star. Along with colleagues at CTV W5, I am in the process of researching a story about alleged mistreatment of student athletes at St. Michael's University School in Victoria.

Among the issues that have emerged is the role of the Teacher Regulation Branch in the handling of complaints about teachers at the school. We are aware of detailed concerns filed with the TRB and investigated without any formal action against any teachers at the school.

The allegations we are researching include numerous accounts of teacher-coach bullying of student athletes, profane mocking, reprisals and an overall atmosphere of disrespect.

We've reviewed more than a dozen testimonies from recently graduated students that detail specific accounts that they say were emotionally damaging, made their time at the school untenable and, in many cases, ended their love of sport. Some, we have learned have been diagnosed with emotional ailments from what they and their parents believe to be a direct result of their treatment in SMUS sporting programs.

Parents who filed the complaint with the TRB have told us the agency's findings have gaps, errors and are inconsistent with its earlier rulings in similar cases.

I am writing to formally request an interview with you in an effort to ensure balance and fairness in what we ultimately report. We wish to provide every opportunity for your voice to be included in our respective stories.

We are prepared to travel to Victoria to meet with you. We seek your response by December 5.

I look forward to hearing back from you.

Sincerely,

Robert Cribb

Toronto Star

416-869-4411

rcribb@thestar.ca



Memorandum

Teacher Regulation Branch 400 – 2025 West Broadway Avenue Vancouver BC V6J 1Z6

To **File**

From **Sheila Cessford**

Date **July 16, 2012, 1100 – 1130 hours**

Re **Record of Telephone call with Theo VandeWeg, Inspector of IS
And Meeting with Intake, Jassandra Ireland**

TVW contacted the writer this date at approximately 1100 hours regarding complaints that he was receiving about the coaching staff at St. Michael's University School, an Independent School in British Columbia. No names of the certificate holders were provided.

He received a telephone call from a parent complaining of verbal abuse by the coaches towards her son and other students. According to the caller, there are a number of concerned parents that are reluctant to come forward because their children are still attending the school. Additionally, there are other parents and students who have left the school who have had similar concerns. The caller indicated that letters have been written to the school board; a psychologist became involved, as well as FISA lawyer / mediator Robert Ellis. The complainant indicated that she was unhappy with how the matter has been handled to date.

TVW asked the caller why she continued to enroll her son at the school. The caller stated that potential student scholarships / bursaries could be impacted at this stage if her son were to attend school elsewhere.

The writer informed TVW that if the caller was complaining about a certificate holder, the matter should be appropriately referred to the TRB for handling. TVW was further advised that the TRB Intake area had already received telephone queries regarding the same concerns at the school.

TVW said that he received a multi-page document from the caller. He will contact the complainant to seek her consent to forward the information to the TRB for inclusion in the Intake file materials collected to date concerning this matter. He will not contact the Board.

The writer met with Jassandra Ireland immediately following the telephone conversation with TVW. Ms. Ireland identified ^{s.22} as the individual who has been contacting the TRB offices. ^{s.22} has asked if a lawyer can submit a complaint on behalf of a group of

individuals who do not want to be identified at this time. The writer advised Ms. Ireland that she understood that anyone can initiate the process by submitting a complaint for the Commissioner's consideration. However, in order to proceed, it will be necessary to identify the witnesses and to obtain their contact information. ^{s.14}

s.14

Memorandum

Ministry of Education
Teacher Regulation Branch
Mailing Address:
400-2025 West Broadway
Vancouver BC V6J 1Z6
Tel: 604 731-8170
Toll Free: 1 800 555-3684

Date: July 30, 2012

From: Jassandra Ireland
Intake Officer

To: Holds

Re: Phone call from Theo VandeWeg, Inspector of Independent Schools

Mr. VandeWeg called to get an update on the complaints he had received about St. Michael's University School on Vancouver Island. He said he had advised the complainants to bring their concerns to the TRB.

s.14

I told him I would call him ^{s.14}

Page 055 to/à Page 059

Withheld pursuant to/removed as

s.14

Supplemental Report of the Investigation into Allegations of Misconduct - SMUS

This is a supplemental report of the investigation into allegations of misconduct at St. Michael's University School in Victoria.

The biggest challenge in this investigation has been dealing with the overwhelming amount of information that has been provided to the investigator. It is simply not practical to include it all in the reports and in addition it is difficult to determine if some of the evidence is relevant to the investigations of the individual certificate holders.

The investigator has received five pieces of evidence that may be relevant to the decision of the Commissioner of the Teacher Regulation Branch however the investigator felt it prudent to not include this evidence in the reports on the conduct of the Certificate Holders. The investigator feels that it is important that the Commissioner is aware of this evidence as it may be argued by one side or the other that it should have been included in the reports and the omissions are material omissions that the decision maker should have been aware of. The investigator also wanted to ensure that neither the complainants or the defendants could argue that the investigation was biased based on certain evidence not being reported.

The five pieces of evidence are:

s.22

1)

2)

3)

4)

5)

s.22

I. Dr. Goldberg

s.22

Page 062 to/à Page 068

Withheld pursuant to/removed as

s.22

William Ard Investigation Services

Attachments:

- 1) Dr. Golberg Report
- 2) s.22
- 3)
- 4)
- 5)
- 6)
- 7)
- 8) New York Times article titled "Authority of Coaches Is Absolute No Longer"
- 9) Internet article titled "My letter to Jerry Kill, why I quit".
- 10) Document labeled "Defining emotional abuse"
- 11) Document titled "Teachers Who Bully Students: Patterns and Policy Implications"



_____, April 9, 2013

William Ard

September 13, 2012

To: Parents of basketball players and Head of School
St. Michael's University School
Victoria, BC

**Assessment of Report by John Sanderson and Emotional
Abuse of Athletes at SMUS**

MY BACKGROUND

My name is Dr. Alan Goldberg and I have been a sports psychology consultant for the past 28 years. I have spoken in front of thousands of coaches at US national coaching conventions across all sports and worked with athletes and teams from professional and Olympic caliber to collegiate, high school and junior levels. In addition, I have presented at the US Olympic Training Center in Colorado Springs training athletes and coaches. I also write for a number of National and International publications on the topic of good & bad coaching, peak performance and mental toughness training. I am the author of 20 books and 10 CD programs on various topics in mental toughness training, slump busting, overcoming performance fears & blocks and the role of coaches and parents in youth sports. I am the former sports psychology consultant for the University of Connecticut Huskies, having worked closely with both the men's and women's basketball and soccer programs.

My specialty is working one-on-one with individual athletes suffering from specific performance problems, sometimes generated by past emotional abuse at the hands of coaches and parents. Most recently I was asked to be a contributing member of a new US national organization being created called, "Be Like Coach," based on the teaching/coaching principles of legendary UCLA basketball coach, John Wooden. BLC is a multidisciplinary group of former NBA players, educators, scholars, researchers, sports psychologists and other professionals who have a passion for and commitment to changing the landscape of the youth sports experience through education of coaches, parents and administrators.

In early July 2012 I was contacted by a parent at SMUS who had a child in the basketball program who was struggling with the aftereffects of what was reported to be an emotionally abusive and traumatic coaching situation that had been going on for two years. I began providing coaching and therapy for that child early in the summer of 2012. In the middle of August, that parent asked me to provide a report after reviewing 6 testimonials from children. (girls and boys), and the Sanderson Report and accompanying correspondence from ^{s.22}

s.22 when s.22 was disseminating that Report.

Other parents have since asked me to provide them with a different report to provide:

- 1) My recommendations to the School with regard to the Sanderson report and
- 2) My recommendations to the parents of players who have been or are involved with the coaching program at SMUS and who believe they have been mistreated.

This is that report.

I was informed that ^{s.22} had received all of the materials that I had been sent. All parents have asked that I not record their names in this document because to do so would be to deprive their children of anonymity. Based on my work with the child I am treating, I am confident that the patterns revealed by the other statements are so clear and so much in line with my experience of abusive coaching elsewhere that I can provide advice and recommendations and that the requested anonymity is appropriate. I am prepared to discuss it with ^{s.22} ^{s.22} at ^{s.22} convenience. I believe ^{s.22} interviewed all the children and read their statements.

I am aware from reading the Sanderson Report and the school's recommendations that the school is attempting to change things for the better for the future. I am also aware that at present there are children in the school who have complained of maltreatment at the hands of the basketball coaching staff.



I am also aware that originally there were 14 members of the boys basketball team, one quit midway through the season, 6 kids had problems with the coaches and of the remaining 6 athletes, 1 was the son of a coach and another, the son of a previous coach at the school who continues to play a role in driving, etc.

It is my understanding that the school hired John Sanderson, an independent investigator to do an evaluation and make recommendations.

MY EVALUATION

The following is my evaluation of the situation at SMUS as I understand it along with my recommendations. I want to be very clear that I have never talked with any of the coaches or any individual players except for the one that I am currently treating. My report makes no pretense to have the coaches' perspective. It is my professional responsibility to come forward and make this assessment and these recommendations because I am aware that there are at least six students who are currently suffering from the effects of emotional abuse at the hands of their coaches.

In general, coaches rarely have any formal training to work with athletes and teams, therefore they often have no understanding or awareness of the extremely powerful and longstanding impact that they can have on their kids, especially if they are working with adolescents.

There's often much confusion about the role of a coach and the role of a parent on the team and I want to be extremely clear about what I have seen as the necessary and appropriate boundaries between coaches and parents in order for a team to work effectively and be successful.

The coach's role on a successful high school team is to teach the skills of the sport to the student-athletes. It is also their job to help young developing adults to handle adversity, master success and failure and learn to work together as a team towards a common goal. ***The coach needs to provide both positive and critical feedback in a constructive, clear, usable***

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and supportive manner. Along this same line, a good coach clearly determines role assignments and playing time on the team, helps his/her student athletes understand exactly what they individually need to do in order to improve and get more playing time, and does all of this in a fair and just manner.

Most important, a good coach creates a safe environment for all of this learning, helping kids feel safe to make mistakes, to fail and therefore to learn. A good coach, like any respectable and responsible educator ***appropriately*** pushes their student-athletes out of their comfort zone, helping them in the process discover that they can do more than they thought they could.

In creating this safe learning environment, a good coach is the architect and builder of a close knit, supportive team and has zero tolerance for team-busting and scapegoating behaviors. ***A good coach teaches all of these things through clear, direct communication and by personally modeling the behaviors he/she wants the students to learn, i.e. honesty, integrity, fairness, respect, responsibility for one's action and genuine caring for self and others.*** The good, effective coach does this by continuously building self-esteem and self-confidence and, like any good educator, through inspiring kids to reach for more. A good coach takes a child's passion and enhances it. Most coaches are not great coaches because of a lack of training and supervision, but they are **“GOOD ENOUGH COACHES”** because they **“DO NO HARM.”**

The Parent's role in high school sports is to be supportive of their child, supportive of the program and the coaching staff. The parent's role is NOT to coach their child or criticize the

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coach's decisions. It is not their job or business to complain about or advocate for playing time and role assignments. The parent's job, simply put, is to be their child's "best fan," and to be unconditionally loving. ***Parents are, however, completely responsible for the emotional and physical safety and well-being of their child.*** If they know their child is experiencing emotional and/or physical pain and abuse at the hands of adult educators, it is their responsibility to immediately intervene to protect their son-daughter.

In my 28 years of experience working with coaches, athletes and teams at all levels, I have certainly seen my share of unjust attacks on coaches driven by disgruntled parents who have their own unhealthy agendas around personal issues or their child's playing time. I have written many evaluations and concluded that in these cases, the parents are part of the problem and do not adequately understand their role on the team.

The situation at SMUS is NOT one of these situations where the parents are the problem! I have never seen such detailed, well-documented and consistent testimony from so many athletes, (along with my own observations from my individual work with one such student) that confirm and validate the existence of a very serious and damaging on-going problem.

In assessing whether a situation is indeed abusive, I also look for whether there have been similar complaints over time that have been dismissed or not taken seriously. It is my

COMPETITIVE ADVANTAGE

understanding that this is indeed the case at SMUS. It is my understanding for example that parents of players who complained about their treatment attempted, without success, to have a review of past complaints and alleged incidences included in the Terms of Reference governing Mr. Sanderson.

Sadly this is not at all uncommon. Often little is done with these complaints because there is so much turnover with kids quitting a program, seniors graduating and the natural tendency for the student-athlete to blame themselves and try to change their own behavior to please the coach, often to no avail. This is well-documented and classic abuse victim behavior.

Before I list the specific athlete complaints that I believe constitute clear evidence of coaching abuse, I would like to comment on what happens in our culture when a small group of students are courageous enough to speak the truth at the risk of being ostracized from their social group. Because the need to fit in with the group and be part of the school community is such a powerful motivating force for adolescents, it's been my experience that this reporting does not happen unless there is significant and very real emotional pain involved. I believe that the other students who have supported the coaches do so because either they have personally not experienced the scapegoating or they have minimized the impact of the coach's behaviors because of their loyalty and dedication to the school and team - which I certainly understand and respect. ***Even if a majority of athletes are not feeling negatively affected by this behavior, this does NOT in any way minimize the powerful destructive impact that***



some of the members of this coaching staff have had on the other players.

The following complaints from six testimonies and my individual work with one student-athlete indicate the presence of very real and significant emotional abuse. These coaching comments and behaviors were directed at individual players and the team as a whole and are taken directly from the reports I have received. These comments from coaches are repeated on a regular basis both in practice and at games. They are sometimes accompanied by yelling in close proximity to an athlete's face and not allowing that athlete to physically retreat. It is done in front of other players and coaches. All the players whose statements I reviewed say this. It seems to be an accepted practice by these coaches. I also know that coaching abuse is often times seen as normal and routine, and normalized by players and parents, "Oh, that's just the way that "X" coaches."

COMMENTS ATHLETES SAY WERE MADE BY MALE COACHES

- “Fucking Retards”
- “Fucking Stupid”
- “A waste of a player”
- “You’re the reason we lost”

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- “Fucking retard, I don't know why he's on this team”
- “You're playing like shit”
- “You are soft and the biggest pussy on the team”
- “Why pass to “X,” he's the worst shooter on the team”
- “You're so Fucking Bad.....Are you fucking kidding me!”
- “Fucking moron”
- “Fucking soft”
- “What the fuck are you doing?”
- “Jesus Christ, you idiots”

COMMENTS ATHLETES SAY WERE MADE BY FEMALE COACH

- “You’re a liability to the team”
- “I can’t believe you call yourself a basketball player”
- “X” is a quitter and she’s the reason we don’t do well”
- “What the fuck are you doing?”
- “You are fucking retarded and lazy”

ADDITIONAL CONCERNS OF BOTH MALE AND FEMALE ATHLETES

- “They used fear all of the time”
- “We'd get pulled for a mistake and be called names”
- “There's a constant tone of 'Don't Screw Up'”
- “The message to me was 'you're not good enough...you're

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acknowledged seeking psychological treatment.

I implore you to take a close look at the above list and ask yourself this question: If a teacher at your school treated his/her students in this way, using phrases like, "You fucking retard," "You're fucking stupid" how would you handle it if it was only one time? How would you handle it if it were your son or daughter who was the target? I assume you would immediately put a stop to this cruel and abusive language and sanction the teacher. These 6 STUDENTS endured it routinely. As soon as we call these kids "athletes" rather than "students," our perceptions somehow shift about what is acceptable teaching/coaching behavior.

Even though we are all educators, it's our culture to excuse or minimize abusive behavior of a coach because somehow the outcome of a game has become more important than the emotional well-being and safety of our children. This is what is so terribly wrong with youth sports today as seen by the horrors of the recent Penn State abuse of children scandal.

It is important to note that the coach's win-loss record has little to do with whether that individual is a good coach or whether the school community should be proud of the program. I have worked with and seen abusive college level coaches who have won National Championships and in the process, severely damaged the self-esteem and self-confidence of their players, damage that endured long after those student-athletes graduated. Our culture is all too willing to look the

other way and celebrate “winning” at the terrible expense of the emotional well being of the student-athletes.

I completely and strongly disagree with the premise and conclusions that John Sanderson reached in his investigation. He explains that the transition from middle school basketball to high school basketball demands players rise to the physical and emotional challenges and that some players can't “keep up with their teammates” because of a “demanding burden on their ego and self-confidence” and, as a result, blame the coach. He makes it sound like it's this transition to more “serious basketball” that somehow justifies coaches be more intense and demanding. He explains that this causes some athletes to see the coach's behavior as abusive because they (the players) are falling behind or not getting the playing time that they feel they deserve.

In my experience this rarely if ever has happened in any of the cases that have been brought before me to evaluate. Athletes do NOT complain about the adjustment to a higher level. Playing basketball is their passion and dream. They do not write testimonials blaming the coaches if they are having trouble or don't have enough playing time. They do not risk the wrath of the coaches, their fellow players or the student body. They do not risk the potential future of a game that they love. ***If a group of athletes have gotten to the point of launching a formal complaint, then there is a very good reason for it and I am deeply concerned and dismayed that Mr. Sanderson completely minimized and explained away their complaints of emotional abuse.***

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is the “interpretation” of the individual team member of “the acts, words and deeds” of the coaches that is the real problem here. He believes that these student-athletes have “misinterpreted” the coaches' words and intentions. In my opinion, the meaning of any communication between coach and athlete is the response it engenders in the athletes. If one or more athletes respond to these coaching communications by feeling demeaned, intimidated and shamed, then it's the coach's responsibility to carefully examine their own behavior and then change it.

We are the adults here. We are the ones with all the power. We are charged with keeping our kids safe. Student-athletes do not have any power in this kind of a situation to determine whether fellow athletes are being targeted, bullied or abused, especially when their own interests as players and their future in the game may be threatened if they take sides.

RECOMMENDATIONS TO THE SCHOOL

- These coaches, both male and female named in the complaints should be immediately released from their duties both as coaches, athletic director and teachers. ***Their continued presence at SMUS creates an intense atmosphere of intimidation and fear for the targeted male and female students. Their continued presence in the targeted athletes' day-to-day lives, as if nothing ever happened, is, in itself abusive and further traumatizing to these students.*** Let's go back to the question I asked you to consider earlier. If a teacher

in a classroom repeatedly called his/her students “A fucking retard,” “a fucking pussy” or a “fucking idiot,” would you let them continue to work with your students? Even if it was only one student who was being targeted, would you allow the targeting of just this one student to go on in your classrooms? Would you call the teacher just too “enthusiastic and passionate?” In this sports culture, somehow the coaches are able to behave in any way they'd like to and the “majority” of the students/athletes on the team get to determine whether abuse is occurring or not. Where are the appropriate adults here?

- I have never met the coaches, but I honestly trust that they want to be successful coaches. I also know that they are loved by even some of the athletes that they have targeted because they can also be reasonable and kind. I hope that if they really understood the devastating and potentially long term emotional effect that they were having on their players, that when they were released from the school, they would get some help if they wanted to continue as a coach. I believe it is the school's responsibility to pay for the individual counseling that these coaches need because the school never stepped in to set appropriate limits and protect their students. As a consequence, I believe the coaches probably knew that their behavior was out of control, but never realized that it was abusive.
- ***I don't believe sincere apologies can occur from coach to athlete unless the coaches are able to directly acknowledge the seriousness of their behavior and take responsibility for it.*** If the coaches are willing and able to

apologize after their own personal counseling and their counselor/sports psychologist sends a letter of recommendation, they may be considered for reinstatement but only after the last athlete who was abused has left the school. This should ONLY happen if the coach is able to clearly demonstrate a change in their behavior, sincere remorse and a genuine willingness to be closely supervised by an administrator who understands the seriousness of the problem.

- I believe that if the administration of SMUS values this report and the above recommendations, I would further suggest that a sports psychologist be hired as a consultant to the administration and the coaches offering training and education. Workshops could also be held for the parents and the community. I have several colleagues that I would be happy to refer for that purpose.

- ***I understand that the school has proposed a restorative just process (reconciliation) between the coaches and players. I am strongly opposed to any such meetings between the coaches and athletes at this time. While I believe that these kinds of meetings can be a critical part of the healing process, this would only be the case when those accused of abusive behavior take full responsibility for their actions and genuinely apologize for their behavior. A reconciliation meeting at this time, under these circumstances where no wrongdoing has been admitted by***

COMPETITIVE ADVANTAGE

the coaches or school administration would further traumatize the student-athletes and once again, put them in a situation where their complaints, concerns, feelings and abuse are totally dismissed.

RECCOMENDATIONS TO PARENTS

- *I encourage parents of the targeted student-athletes to seek out counseling for their son or daughter to help them deal with the emotional after-effects of their mistreatment. It is very common for victims of abuse to be additionally burdened by feelings of guilt and responsibility for the mistreatment. This situation is further exacerbated by feelings of isolation and a negative response from their peer group and other teachers on the staff. No child should have to carry this burden alone.*
- *Parents also may want to participate in individual or group counseling to help them manage their own feelings generated by this situation.*
- *Parents also need to know that any time they suspect that their child is at risk because of reported physical or emotional mistreatment, it is their right and duty as a parent to take concrete steps to insure their child's safety, regardless of how unpopular their decision may appear to be or whether it may jeopardize their child's status and playing time on the team. There is no greater priority for a parent than making sure that their children are emotionally and physically safe! Being part of a so-called*

COMPETITIVE ADVANTAGE

"winning" team under these abusive circumstances is completely meaningless. In these situations of suspected mistreatment, the proper protocol to follow is to first contact the coach. If the coach does not respond to the parent's concern, then the Athletic Director needs to be informed. If the AD is unresponsive, then the headmaster needs to be alerted and if the head master does not take the complaints seriously to protect the children, then the school board needs to be involved.

I have had great respect for the way these parents at SMUS have tried to work within the SMUS system, documenting what they saw as a problem and trying to work with it directly. I have to say, I've watched other parents go straight to the media with these kinds of problems and the school never had an opportunity to make the right choices.

As a school, you have a great opportunity here to come together and put a stop to this abusive mentality that has passed as normal and even "winning" coaching. Is having a "championship" basketball program more important than the emotional health of your student-athletes?

I am happy to discuss any part of this report. Please feel free to call me at anytime at :
(413) 549 -1085

Dr. Alan Goldberg
Director
Competitive Advantage
www.competitivedge.com

DR. ALAN GOLDBERG
177 Appleton Street, Apartment 410C
Westfield, MA 01085
www.competitivedge.com

**TEACHERS WHO BULLY STUDENTS:
PATTERNS AND POLICY IMPLICATIONS [9520]**

Alan McEvoy, Wittenberg University, Ohio

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Page 101 to/à Page 105

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From: Hodak, Katarina EDUC:EX
To: Sutherland, Billy EDUC:EX
Subject: RE: Email from SMUS witness
Date: Wednesday, July 16, 2014 9:11:00 AM

Hey Nana,

I just printed it to pdf & saved it here: J:\Professional_Conduct\INVESTIGATIONS\SMUS Investigations\2014-06-25 EC s.22 .pdf

K

From: Sutherland, Billy EDUC:EX
Sent: Wednesday, July 16, 2014 8:57 AM
To: Hodak, Katarina EDUC:EX
Subject: Email from SMUS witness

Hi Kaia

The Minister's office CLIFFed the email from s.22 and now want me to respond.

Did you respond already? I'll just mirror that.

| **Billy Sutherland, Intake Officer**
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.775.4874 Fax 604.775.4858
| www.bcteacherregulation.ca

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🖨️ Please consider the environment before printing this email.

From: Sutherland, Billy EDUC:EX
To: Hodak, Katarina EDUC:EX
Cc: Wynn, Susan EDUC:EX
Subject: RE: SMUS
Date: Thursday, March 20, 2014 9:32:26 AM

One of the smus files is going informal, and one is in conres. So can you hold on to them till we get the NFA's done then we can sort them out and get documentation for these files. Thanks.

| **Billy Sutherland, Intake Officer**
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.775.4874 Fax 604.775.4858
| www.bcteacherregulation.ca

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From: Hodak, Katarina EDUC:EX
Sent: Thursday, March 20, 2014 08:01
To: Sutherland, Billy EDUC:EX
Cc: Wynn, Susan EDUC:EX
Subject: SMUS

Hey there,

When you're ready to close off the SMUS files, I still have two boxes containing binders received from Bill Ard in my office...

Let me know if you want them & I'll bring 'em to you, or if you'll come get them when everything is getting prepped for imaging.

Thanks!

Kat

Katarina Hodak | Investigator
Teacher Regulation Branch | Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6
Direct Line: 604.775.4826
Cell: 604.319.1466
Toll Free in N. America: 1.800.555.3684
Fax: 604.775.4858
Email: Katarina.Hodak@gov.bc.ca
www.bcteacherregulation.ca

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s.14

From: Wynn, Susan EDUC:EX
To: Sutherland, Billy EDUC:EX
Subject: FW: 3 SMUS NFA Letters
Date: Friday, April 25, 2014 3:37:31 PM
Attachments: s.22

Importance: High

Billy,

I didn't start the letters today, so hoping you will be able to work on these on Monday. I remember that the idea was that they were to be formatted to look similar even with different writers.

Thank you in advance.

sdw

From: Preston, Bruce EDUC:EX
Sent: Thursday, April 24, 2014 3:03 PM
To: Wynn, Susan EDUC:EX
Subject: 3 SMUS NFA Letters

Hi Susan

s.14,s.22

These three letters should be finalized

s.14,s.22

We can hold them to go out together. I would like to have them ready to go out early next week.

Bruce

From: Ireland, Jassandra EDUC:EX
To: Sutherland, Billy EDUC:EX
Subject: FW: Additional Documents re: SMUS
Date: Tuesday, December 4, 2012 10:07:54 AM
Attachments: Additional Documents re SMUS.msg

From: Ireland, Jassandra EDUC:EX
To: Sutherland, Billy EDUC:EX
Subject: FW: Basketball Report - John Sanderson
Date: Monday, December 3, 2012 4:14:47 PM
Attachments: Fw Basketball Report - John Sanderson.msg

Please see attached! ;-}

Jass

From: Ireland, Jassandra EDUC:EX
To: Sutherland, Billy EDUC:EX
Subject: FW: Complaint about Teachers at SMUS
Date: Monday, December 3, 2012 3:17:15 PM
Attachments: Complaint about Teachers at SMUS.msg

Hi Billy:

As we discussed, please see the attached email.

Regards,

Jass

Page 115 to/à Page 119

Withheld pursuant to/removed as

s.3

From: [Sutherland, Billy EDUC:EX](#)
To: [Hodak, Katarina EDUC:EX](#); [Mirbaghen, Sarvi EDUC:EX](#)
Subject: RE: St Michaels University School (SMUS file)
Date: Monday, May 13, 2013 2:32:00 PM

Bruce has not yet finished reading the reports, and has not set a date to discuss them with Bill Ard, Sarvi and Stephanie.

| Billy Sutherland, Intake Officer
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.731.8170 x365 Fax 604.731.9145
| www.bcteacherregulation.ca

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-----Original Message-----

From: Hodak, Katarina EDUC:EX
Sent: Monday, May 13, 2013 14:13
To: Sutherland, Billy EDUC:EX; Mirbagheri, Sarvi EDUC:EX
Subject: FW: St Michaels University School (SMUS file)

Hi there,

Do either of you know if Bruce has considered Bill's SMUS reports? The complainants are looking for an update...

Thanks,
Kat

-----Original Message-----

From: s.22
Sent: Monday, May 13, 2013 2:07 PM
To: Hodak, Katarina EDUC:EX
Subject: Re: St Michaels University School (SMUS file)

Hi Katarina,

I am checking in to see if you have more information on the SMUS file and how the Commissioner will proceed and what kind of timing we should expect. Students are extremely anxious and the more we can prepare them and inform them the better.

Thanks, s.22

----- Original Message -----

From: "Katarina EDUC Hodak:EX" <Katarina.Hodak@gov.bc.ca>
To: s.22 >
Sent: Monday, April 22, 2013 12:41:27 PM
Subject: RE: St Michaels University School (SMUS file)

H|s.22

My understanding is that an investigation report is pending for the Commissioner's review. The Commissioner returns to the office on April 29, and will consider the material sometime after that date.

The process to follow will entirely depend on what the Commissioner decides. He could require further investigation or information (including responses from the certificate holders under investigation) before making any decision under section 51 of the Teachers Act.

If you want to check back in a few weeks, I might have more information at that time.

Thank you,

Katarina Hodak | Investigator
Teacher Regulation Branch | Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6 Direct Line: 604.714.3335
Telephone: 604.731.8170 (ext. 325)
Fax: 604.731.9145
Email: Katarina.Hodak@gov.bc.ca
www.bcteacherregulation.ca

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-----Original Message-----

From: s.22
Sent: Monday, April 22, 2013 5:29 AM
To: Hodak, Katarina EDUC:EX
Subject: Re: St Michaels University School (SMUS file)

Hello Ms. Hodak:

I was wondering if you could let me know what the next steps in the Commissioner's process will be and what the timing will be like.

Thanks, s.22

-----Original Message-----

From: Hodak, Katarina EDUC:EX
Sent: Thursday, April 18, 2013 1:25 PM
To: s.22
Subject: RE: St Michaels University School (SMUS file)

Will do. Thanks for the information.

Katarina Hodak | Investigator
Teacher Regulation Branch | Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6 Direct Line: 604.714.3335
Telephone: 604.731.8170 (ext. 325)
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-----Original Message-----

From: s.22

Sent: Thursday, April 18, 2013 1:16 PM

To: Hodak, Katarina EDUC:EX

Subject: St Michaels University School (SMUS file)

Hello Ms. Hodak:

One of the students involved in the SMUS file s.22

s.22

s.22

s.22 to the investigator, Bill Ard, who has submitted his report; however, he s.22 until Friday night and the student feels this is time sensitive.

Could you please add this to the Commissioner's file?

Thanks, s.22

----- Forwarded message -----

From: s.22

Date: Wed, Apr 17, 2013 at 11:00 AM

Subject: One last thing

To: Bill Ard < bill.ard@shaw.ca >

Hi Bill,

Sorry to fill up your inbox!

s.22

Thank you Bill,

s.22

Page 123

Withheld pursuant to/removed as

s.22

From: Sutherland, Billy EDUC:EX
To: Hodak, Katarina EDUC:EX
Subject: RE: St Michaels University School (SMUS file)
Date: Monday, April 22, 2013 8:36:00 AM

Yes, haven't prepared the files for the Commissioner; though Elena has copies of the narratives.

b

| Billy Sutherland, Intake Officer
| Teacher Regulation Branch, Ministry of Education
| 400-2025 West Broadway, Vancouver BC V6Z 2B9
| Phone 604.731.8170 x365 Fax 604.731.9145
| www.bcteacherregulation.ca

-----Original Message-----

From: Hodak, Katarina EDUC:EX
Sent: Monday, April 22, 2013 07:27
To: Sutherland, Billy EDUC:EX; Wynn, Susan EDUC:EX
Subject: FW: St Michaels University School (SMUS file)

Hi there,

s.22

(complainant) emailed me for an update (see below). I checked two files in Tracker, but they were both at INV (although I thought we got the report from Bill Ard?).

Let me know what I can advise s.22

Thanks!
Kat

-----Original Message-----

From: s.22
Sent: Monday, April 22, 2013 5:29 AM
To: Hodak, Katarina EDUC:EX
Subject: Re: St Michaels University School (SMUS file)

Hello Ms. Hodak:

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Sent: Thursday, April 18, 2013 1:25 PM
To: s.22
Subject: RE: St Michaels University School (SMUS file)

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Katarina Hodak | Investigator
Teacher Regulation Branch | Ministry of Education
400 - 2025 West Broadway, Vancouver, BC V6J 1Z6 Direct Line: 604.714.3335
Telephone: 604.731.8170 (ext. 325)

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until Friday night and the student feels this is time sensitive.

Could you please add this to the Commissioner's file?

Thanks, s.22

----- Forwarded message -----

From: s.22
Date: Wed, Apr 17, 2013 at 11:00 AM
Subject: One last thing
To: Bill Ard < bill.ard@shaw.ca >

Hi Bill,

Sorry to fill up your inbox!

s.22

Thank you Bill,

s.22

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Withheld pursuant to/removed as

s.22

From: Bill Ard
To: Shaw, Mary A EDUC:EX; Preston, Bruce EDUC:EX; Sutherland, Billy EDUC:EX
Subject: Reports are on the way
Date: Wednesday, April 10, 2013 3:56:21 PM
Attachments: Investigation Report Cover Letter - SMUS Investigation.pdf

Hello Mary, Bruce, and Billy – I have finally completed the reports and they are on the way. They should arrive before 10:30 on Thursday from Purolator.

The reports are on disk so you will be able to distribute them easily.

Let me know if you have any difficulty following my instructions that are attached. I have attached a copy of my cover letter to this email for your information.

Billy – will you look for the package tomorrow please and make sure it arrives.

I apologize for the delay.

Thanks

Bill Ard
cell 604 831-3048

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Withheld pursuant to/removed as

s.14

From: Sutherland, Billy EDUC:EX
To: Ireland, Lassandra EDUC:EX
Subject: SMUS
Date: Tuesday, December 4, 2012 9:44:00 AM

Hi again

I hate to do this to you, but could you please forward the following emails:

s.22
2012-10-29 w att
2012-10-23 w att
2012-09-14 w att
2012-08-23 w att

I'm really hoping that is all, but I've only done one of SMUS files so far, so there may end up being more.

Thanks.

| **Billy Sutherland, Confidential Assistant Investigations**
| Teacher Regulation Branch; Governance, Legislation and Regulation
| Ministry of Education | Phone 604.731.8170 x365 Fax 604.731.9145 | www.bcteacherregulation.ca



Memorandum

Teacher Regulation Branch 400 – 2025 West Broadway Avenue Vancouver BC V6J 1Z6

To **File**

From **Sheila Cessford**

Date **July 16, 2012, 1100 – 1130 hours**

Re **Record of Telephone call with Theo VandeWeg, Inspector of IS
And Meeting with Intake, Jassandra Ireland**

TVW contacted the writer this date at approximately 1100 hours regarding complaints that he was receiving about the coaching staff at St. Michael's University School, an Independent School in British Columbia. No names of the certificate holders were provided.

He received a telephone call from a parent complaining of verbal abuse by the coaches towards her son and other students. According to the caller, there are a number of concerned parents that are reluctant to come forward because their children are still attending the school. Additionally, there are other parents and students who have left the school who have had similar concerns. The caller indicated that letters have been written to the school board; a psychologist became involved, as well as FISA lawyer / mediator Robert Ellis. The complainant indicated that she was unhappy with how the matter has been handled to date.

TVW asked the caller why she continued to enroll her son at the school. The caller stated that potential student scholarships / bursaries could be impacted at this stage if her son were to attend school elsewhere.

The writer informed TVW that if the caller was complaining about a certificate holder, the matter should be appropriately referred to the TRB for handling. TVW was further advised that the TRB Intake area had already received telephone queries regarding the same concerns at the school.

TVW said that he received a multi-page document from the caller. He will contact the complainant to seek her consent to forward the information to the TRB for inclusion in the Intake file materials collected to date concerning this matter. He will not contact the Board.

The writer met with Jassandra Ireland immediately following the telephone conversation with TVW. Ms. Ireland identified ^{s.22} as the individual who has been contacting the TRB offices. ^{s.22} has asked if a lawyer can submit a complaint on behalf of a group of

individuals who do not want to be identified at this time. The writer advised Ms. Ireland that she understood that anyone can initiate the process by submitting a complaint for the Commissioner's consideration. However, in order to proceed, it will be necessary to identify the witnesses and to obtain their contact information. ^{s.14}

s.14

Memorandum

Ministry of Education
Teacher Regulation Branch
Mailing Address:
400-2025 West Broadway
Vancouver BC V6J 1Z6
Tel: 604 731-8170
Toll Free: 1 800 555-3684

Date: July 30, 2012

From: Jassandra Ireland
Intake Officer

To: Holds

Re: Phone call from Theo VandeWeg, Inspector of Independent Schools

Mr. VandeWeg called to get an update on the complaints he had received about St. Michael's University School on Vancouver Island. He said he had advised the complainants to bring their concerns to the TRB.

s.14

I told him I would call him^{s.14}

Page 133 to/à Page 137

Withheld pursuant to/removed as

s.14

Standards for the Education, Competence & Professional Conduct of Educators in British Columbia

· F O U R T H E D I T I O N J A N U A R Y 2 0 1 2 ·



BRITISH
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Ministry of
Education

Introduction

The *Teachers Act* establishes a BC Teachers' Council and further provides that the Council create standards for those who hold certificates of qualification issued by the Ministry of Education. Section 10 (1) and (2) of the Act set out the objects of the Teachers' Council.

The mandate of the council is to establish standards for the education of applicants for certificates of qualification, and also establish standards for the conduct and competence of both certificate holders and applicants for certificates of qualification. Specifically, it establishes standards that a person must meet in order to be issued and to maintain a certificate of qualification.

These include standards relating to:

- » Training & qualifications requirements for applicants & certificate holders
- » Competence
- » Conduct

In carrying out its objects, the council must exercise its powers and perform its duties under this Act in the public interest. The intent of the Act is that, in making standards, the Teachers' Council must consider the needs of the public, especially of the students who are the "clients" of teachers, ahead of the interests of certificate holders. This means that the standards for teachers are to be established for the benefit of students, their parents and the society as a whole.



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The Purpose and Meaning of the Standards in Practice

Standards are not detailed descriptors of teaching competency or conduct. They are statements of principle upon which the detail can be built. Standards should be succinct and convey to the reader an overall sense of the work that teachers do (competencies) and the ways in which they behave (conduct).

The Standards for the Education, Competence and Professional Conduct of Educators in British Columbia (Standards) were adopted in 2008 by the BC College of Teachers and, through the *Teachers Act*, have been continued as the standards for certificate holders until such time as they might be revised by the Teachers' Council. The Standards are intended to honour and advance the work of educators by highlighting the complex and varied nature of educators' work. They articulate the knowledge, skills and attitudes that educators shall possess as well as the responsibilities that accrue to them as certified educators who hold the public trust. In doing so, the Standards contribute to a safe and high-quality learning environment for students and provide a basis for attaining and assessing both competency and conduct. Taken together, the Standards define the attributes and expertise that educators bring to bear for the benefit of children and society.

As a tool for the public good, the Standards are intended to support the goals of our society by helping to support the education of citizens to live productive and fulfilled lives. Educators who embody these Standards must be able

Definitions

ABORIGINAL — includes all Aboriginal peoples, especially First Nations, Inuit & Métis

AUTHORITY —

- a society incorporated under the *Society Act*, or
- a corporation incorporated under the *Business Corporations Act* or a private Act, or
- a person designated, by regulation, as an authority that operates or intends to operate an independent school

to relate intellectually, pedagogically and ethically with children as they teach the specific subjects and curriculum of BC.

Standards are a way of communicating to certificate holders and the public the description of the work of educators – what they know, what they are able to do, and how they comport themselves as they serve the public. The Standards provide the foundation and stability on which educators can grow, articulating both the values and characteristics that distinguish the work of educators.

Certificate holders enter into a contract with the public that provides them with a level of autonomy in return for an agreement that the educator will place the interests of the public above individual interests. Educators agree to be accountable to the public, and the Standards serve as a touchstone for this responsibility.

Even the most eminent and competent educators will continue throughout their careers to learn about and build their repertoires in pedagogy and subject area knowledge. Indeed, standards serve both as ideals to which educators aspire and expectations that can be reasonably held.

One critical consideration that often accompanies the development of standards is the question of how they will be used in practice. The practice of education is an ongoing journey of growing understanding and developing skills. The notion that an educator can attain perfection in practice flies in the face of the notion of continual learning and suggests that “meeting” a standard can be relative. The question should not be “Has the Standard been met?” but “To what extent has the Standard been met for the particular context in which the educator is preparing or working?” A deficit in a single standard is not necessarily a fatal flaw that destroys professional competence, though in certain substantive circumstances it may be. A demonstration of competence will, by necessity, be different for a beginning teacher than for a seasoned veteran.

The Standards have the following applications:

- *Establish commonly held standards of practice and conduct that guide teacher education, teaching practice and ongoing professional growth*
- *Communicate to the public the standards that educators hold and*
- *Establish a framework that guides the Teachers’ Council and the Ministry of Education in setting requirements and making decisions related to teacher education programs, certification of applicants, fitness to practice and discipline.*

BOARD — a board of school trustees constituted under the *School Act*

COMMUNITY — all those who live in an area served by a school or school district

COMPETENCE — having the knowledge & skills to carry out the duties of an educator

CONDUCT — the actions or omissions of an educator including such actions or omissions both within and outside of an educator’s professional role

EDUCATOR — a person who holds, has held, or is an applicant for a certificate of qualification from the Ministry of Education



Commitment to the Standards

The Standards should be a positive force for educators that will honour their work and benefit the children and people of BC through supporting student academic success and social development and by developing an informed citizenry. As new educators become certified to teach in BC, they will be required to sign a commitment that their practice will be governed by the ethics and principles as outlined in the Standards. By agreeing to abide by the Standards, an educator makes a commitment to the public in which parents can confidently send their children into an educator’s care.

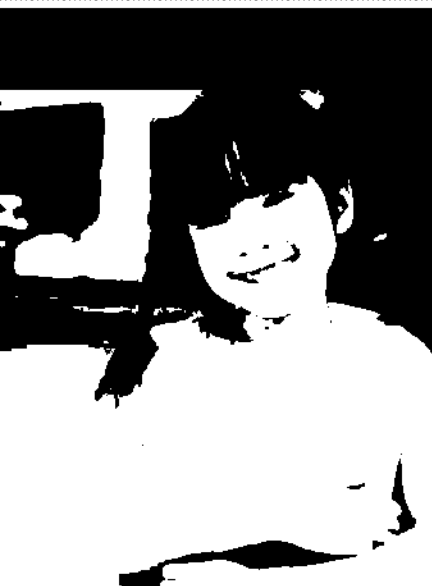


MINOR — child or youth under the age of 19

PARENT — (in respect of a student or of a child):

- the guardian of the person of the student or child
- the person legally entitled to custody of the student or child
- the person who usually has the care and control of the student or child

STUDENT — a person enrolled in a K-12 educational program provided by a board of education, authority or First Nations School and for whom an educator has responsibility.



Ministry of Education Teacher Regulation Branch

400 - 2025 W. Broadway
Vancouver, BC V6J 1Z6
Canada

T • 604 660 6060
TOLL FREE • 1 800 555 3684
F • 604 775 4859

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Ministry of
Education

1. Educators value and care for all students and act in their best interests.

Educators are responsible for fostering the emotional, esthetic, intellectual, physical, social and vocational development of students. They are responsible for the emotional and physical safety of students. Educators treat students with respect and dignity. Educators respect the diversity in their classrooms, schools and communities. Educators have a privileged position of power and trust. They respect confidentiality unless disclosure is required by law. Educators do not abuse or exploit students or minors for personal, sexual, ideological, material or other advantage.

2. Educators are role models who act ethically and honestly.

Educators act with integrity, maintaining the dignity and credibility of the profession. They understand that their individual conduct contributes to the perception of the profession as a whole. Educators are accountable for their conduct while on duty, as well as off duty, where that conduct has an effect on the education system. Educators have an understanding of the education system in BC and the law as it relates to their duties.

3. Educators understand and apply knowledge of student growth and development.

Educators are knowledgeable about how children develop as learners and as social beings, and demonstrate an understanding of individual learning differences and special needs. This knowledge is used to assist educators in making decisions about curriculum, instruction, assessment and classroom management.

4. Educators value the involvement and support of parents, guardians, families and communities in schools.

Educators understand, respect and support the role of parents and the community in the education of students. Educators communicate effectively and in a timely manner with parents and consider their advice on matters pertaining to their children.

5. Educators implement effective practices in areas of classroom management, planning, instruction, assessment, evaluation and reporting.

Educators have the knowledge and skills to facilitate learning for all students and know when to seek additional support for their practice. Educators thoughtfully consider all aspects of teaching, from planning through reporting, and understand the relationships among them. Educators employ a variety of instructional and assessment strategies.

6. Educators have a broad knowledge base and understand the subject areas they teach.

Educators understand the curricular, conceptual and methodological foundations of education and of the subject areas they teach. Educators must be able to communicate effectively in English or French. Educators teach students to understand relevant curricula in a Canadian, Aboriginal, and global context. Educators convey the values, beliefs and knowledge of our democratic society.

7. Educators engage in career-long learning.

Educators engage in professional development and reflective practice, understanding that a hallmark of professionalism is the concept of professional growth over time. Educators develop and refine personal philosophies of education, teaching and learning that are informed by theory and practice. Educators identify their professional needs and work to meet those needs individually and collaboratively.

8. Educators contribute to the profession.

Educators support, mentor or encourage other educators and those preparing to enter the profession. Educators contribute their expertise to activities offered by their schools, districts, professional organizations, post-secondary institutions or contribute in other ways.

Investigation Report

Date: August 17, 2012

To: Head of School

From: John P. Sanderson, Q.C., Investigator

Re: Basketball Team – Coaches' Conduct

Introduction

On July 20, 2012, I was appointed to conduct an independent investigation into concerns raised by some parents and players with respect to the conduct of members of the School's coaching staff of the junior and senior boys' and senior girls' basketball teams during the 2011-12 season. These concerns surrounded allegations that several of the coaches were bullying and verbally abusing some of the players on their teams through the use of foul language, name calling, favouritism and unfair distribution of playing time.

My appointment is that of an independent investigator and fact-finder, not that of an adjudicator. I have considerable experience conducting investigative proceedings in connection with the Indian Residential School abuse adjudication program, Sport Dispute Resolution Centre of Canada and colleges and universities in British Columbia and elsewhere. This investigation has been conducted in accordance with the following Investigation Terms of Reference:

- Conduct the investigation in a fair and impartial manner and ensure that pressure or influence from others does not compromise the integrity of the process;
- Use best efforts to limit the scope of the investigation to relevant matters raised in the complaints;

- Manage timelines for the efficient conduct and completion of the investigation;
- Maintain confidentiality of all information received;
- Respect the privacy and access to information with respect to the rights of the parties;
- Inform the parties to the complaint and interviewees of the requirement to maintain confidentiality and consequences of a breach;
- Conduct a thorough and expeditious investigation;
- Make findings based on factual information on the question of whether human rights principles and practices were adhered to by the coaching staff. In particular, determine if there were behaviours that were abusive or demeaning or if viewed by a reasonable person, would be considered inappropriate interference with a person's enjoyment of a school activity;
- Produce a final, written report; and
- Provide appropriate recommendations to achieve reconciliation and team success to benefit players, coaches and the school community.

Procedure

Immediately following my appointment, all team members and the coaching staff were given notice of the appointment. Arrangements were made for interviews to take place at the School campus on July 26, 27, August 1-3, 7 and 8. Thirty-five of the forty-one students took part in the interviews in person or by telephone, as did all members of the coaching staff. Some of the students provided me with a written statement.

The interviews were conducted on a one-on-one basis in a meeting room on campus. Each interview took approximately one hour, although several extended beyond that time. The interviewees were given an explanation of the purpose of the interview and were asked for their assistance and cooperation. They were told this

process was not a formal legal process and while I would be taking notes, they should not consider they were giving evidence as in court or arbitration. They were told that I needed their help to identify the facts to fully understand the circumstances that had occurred and that nothing I was told by them would be attributed to them by name. I identified myself as a dispute resolution person independent of the School. I explained I would not have accepted the appointment if I was not free to report on the matter as I saw fit in my independent and professional capacity.

Without exception, all of the interviewees accepted the terms of reference as set out above for the interview and cooperated fully with me. I am satisfied that all the interviewees answered my questions honestly and in as much detail as they were able to recall. I am exceedingly grateful for their cooperation, candor and assistance.

Background

It is not my purpose to make comment on the experience and capabilities of the coaches. Their individual and joint coaching records speak for themselves. The basketball program at the School has been a large success and for that reason alone, basketball has a positive and high profile in the minds of the students, faculty, parents and outsiders. A number of the students I interviewed told me that one of the major reasons they came to the School, and were encouraged to do so by their parents, was because of the basketball program and their wish to take part in that program. It must be acknowledged that the accomplishments of both the girls' and boys' teams are outstanding and it should be a matter of great pride to everyone associated with the School.

Before dealing with my specific findings and conclusions it is necessary to provide some background and context. Basketball is an intense game that demands discipline. It requires individuals' skill development but also an active understanding and appreciation of how those skills can be melded and integrated with those of other players on a team basis. As in all team sports, players have to accept their assigned roles in the same way an actor in a play must learn to accommodate his or her own ego needs with that of the cast (team). If that is not done, the team performance will falter.

In the early grades at school, basketball and other team sports are largely fun games. In the more senior grades, team sports become more difficult for some players, as that level of play is more demanding of players and coaches. This is even more the case at the college or professional level, which level some of the students I interviewed aspire to.

All of this significantly affects both the players and the coaches. Mistakes, lack of commitment, discipline (on and off the court), team play and other matters became issues for tension and friction between some players and coaches. This is particularly so in Grades 11 and 12 where the challenges become more intense. Some players welcome this and rise to the challenge; others resent the new reality or find they cannot keep up with their teammates. My point is to remind us of the obvious: for some players, what was a fun game in which they could fully compete with their teammates and others, has become an increasingly demanding burden on their ego and self-confidence.

I make these observations because the allegations before me require a careful consideration of the behaviour of the coaches in relation to the players on their teams. The coaches, from my interviews, acknowledge how demanding the basketball

program can be at the senior level for both coaches and players; the dynamic between coaches and players is less relaxed and casual. Especially on the court, fun has been replaced with the demand for discipline and intensity. This is not unique to the sport of basketball; rather, it is a necessary part of the growth and development of every participating athlete, whatever the team sport involved.

The relevancy of these considerations to this inquiry is at least two-fold: the coaching role becomes more difficult because some athletes are unable or unwilling to accept their new basketball environment when they move from the junior to the senior program and the physical and emotional growth of the players have wide variations irrespective of their common ages. It must also be recognized that the need to learn new skills and to expand existing skills as a player is matched by the need to employ and practice team-building skills on the part of the coaches, both collectively and individually. Clashes and misunderstandings between some coaches and some players may arise and create personal tensions. This does not excuse anyone from responsibility for their conduct; however, I must observe that most of the students I interviewed, as well as all the coaches, recognized with considerable understanding the pressures that players and coaches face in connection with their interactions with each other on and off the court. That gives me encouragement in considering how best to reconcile the tensions that have developed.

I turn now to what the students told me in the interviews I conducted. No student claimed they had been abused, physically or sexually or had been treated in any illegal manner by any coach; several male students and one in particular, said some individual players had been treated disrespectfully by coaches who swore and yelled at them "all the time" and reduced their playing time unfairly. Several male students said coaches had cursed and yelled at games and practices but the majority of them said this

was not directed at particular students and rather was “general frustration” with what was happening, or perhaps not happening, on the court.

With two exceptions, all the female players who were interviewed expressed the view that the senior girls’ team was extremely well coached. They said they had enjoyed the past season, had learned a great deal from the experience, had had fun and were looking forward with real enthusiasm to the next season. The two exceptions both told me they feel there was no fault involved and no attempt to discriminate against them; however, “[the coach] was not a good fit for [her] on a personal basis” as one of them stated to me.

The large majority of the male players interviewed stated they had no issues or concerns with their coaches; they were enthusiastic about last year’s program and were looking forward to this year. Most of these students said they were surprised and shocked at the rumours they had heard, especially from what several called “interfering parents” and said they could not understand why anyone would pay attention to what one student said were “nasty lies”. Several said the basketball players and the coaches had been unfairly attacked by the parents; one used the term “hijacked” in describing the impact of the parents’ actions.

The most common descriptions of the coaches I received when I asked each of them to speak bluntly and describe their feelings for their coach(es) was “awesome” and “caring and committed”. A number of them told me that they were seriously upset at the allegations that had been made because they were untrue. One said that “a few players and parents are trying to manufacture evidence of abuse”.

I was particularly struck by the number of students who sought me out through the administrative office from places they were traveling and/or living abroad, in order to arrange an interview with me. Most wanted to tell me how strongly they felt in support of their coaches.

This does not mean there are no issues of concern arising from this investigation. A minority group of four to five boys expressed a different view of their coaches. Specifically, they complained their coaches had engaged in frequent use of foul language and name-calling, as well as various forms of favouritism, particularly the unfair distribution of playing time and player assignments at crucial points in games. In their mind, the coaches were acting discriminatorily and unfairly.

How could a majority of a team have one view of the coaches and a small minority group on the same team have an entirely different view, again of the same coaches? The answer in large part is the interpretation individual team members may have of the same acts, words or deeds of the coaches. For example, there is no doubt that on occasion, certain of the coaches became exasperated with mistakes of a player on the court, openly cursed and were overheard. This could happen at a game or a practice. While it was not a frequent occurrence, it undoubtedly did happen from time to time. The majority of the students said they were not offended because they knew the coach was not swearing at them or any individual team member but was acting in a very human way and expressing his feelings of frustration with a player mistake or referee call, for example. A minority of the boys felt otherwise; however, even these students, other than one, did not say that the coach was consciously swearing at any individuals. They did not like the language that was used and felt offended but did not use the word "abuse" or any similar term when asked to describe their thoughts and feelings.

Similarly, a majority of the boys said they believed there was no improper favouritism shown by coaches of individual players in terms of assignments or court time and believed that the coaches made decisions based on the teams' needs of the moment to have a particular set of players on the court in the circumstances. On the other hand, a small group felt they were sometimes treated unfairly and not given the playing time they felt they were entitled to. In that kind of decision, the coaches' judgment prevails. Two of the players are sons of coaches and both are excellent players according to their teammates. Their playing time was said to be assigned unfairly according to the minority group of boys. There is no actual information I have been given, as distinct from suspicion, to support that view, and as I have said, that view is not shared by the large majority of the players. I find there was no favouritism applied in the coaches' decision-making but it is a subject that should be reviewed and discussed by the coaches and administration so as to minimize the possibility of such concerns arising.

The most angry and outspoken of the male students told me he heard coaches swearing at individual players and berating them all season. As I have said, the large majority of the players deny that happened. Clearly, what one irate student heard was interpreted by him very differently than did the other players. How can this be? For me, the answer has been most clearly and thoughtfully given by one of the students, who immediately after our interview emailed me a summary of his views. That summary, in part, reads as follows:

I am writing to you to provide information with respect to my experiences in the basketball program at [the School]. In addition to playing soccer and basketball for [the School] since [Elementary], I have been involved playing soccer and basketball at a competitive rep level outside of school... I have been coached at an elite level by many different coaches during this time. With these years of

playing sport, I have come to realize that all of these coaches have a few things in common. They are passionate about the sport they coach, they want all the players to have intensity, drive and focus, and they strive to challenge the individual players and the team to be the best they can be.

I have also come to realize that at this grade 11 stage of our lives, as both students and players, we must begin our transition to gain independence, self direction and self drive to be the best we can be. I believe that at this level, the coaches are not here to baby sit us, but are here to push us to reach our fullest potential in order for us to succeed, both individually and as a team.

Some of us have been together since [early grades] and have trained and worked hard to get to where we are today. We have added other pieces (players) to the team along the way, which have enhanced the skill level of the team. As you may realize, not all players have the same drive and intensity in practices and in games. It is up to the coaches to pull this out of each and every one of us. This is not always an easy task. Everyone has different experience levels and not everyone responds to instruction and coaching the same way. Unfortunately, this is probably what has resulted in what is going on today.

Most of the time, coaches provide encouraging and supportive instruction to help us develop our skills. And sometimes, they may use sharp comments to break through to us, stimulate thinking on the court and bring up the intensity level. We dedicated players cannot be living in a bubble. Most of us know how to take the comments in stride and work with them. We may not always like them, but any experienced and dedicated player takes them in and is able to use them to better himself.

As for the coaches, all of them were interviewed at length. Without exception, they cooperated with me fully and answered the questions I directed at them with candour and care. Not surprisingly, there was a common thread of concern and shock at the allegations and the complaints that were made. None of these areas were unexplored and I am satisfied they responded to my questions honestly and fully.

In general, their position, individually and as a group, matches almost exactly the views of the large majority of the students as to their conduct as coaches. They are

clearly proud of their role and what the basketball teams have accomplished. However, as a result of what has occurred, they also accept that they must review their coaching styles and techniques. I was encouraged when I heard them ask what they could do better. There were no denials that on occasion, there had been too much emotional reaction displayed. As one of them said to me "I guess sometimes I get carried away because I care too much for the kids". All agreed that cursing was not appropriate, even if it was intended to be nothing more than a private comment.

Findings

Based on a careful review of all of the information provided to me in the many days and hours of interviews I conducted with the students and coaches, I find there were no behaviours that were deliberately abusive or demeaning or constituted inappropriate interference with a person's enjoyment of a school activity. That is the test I must apply in this investigation as set out in the Terms of Reference I must follow. Accordingly, I find there is no proper basis for discipline to be taken against any of the coaches. However, there is a need to review and reconsider behaviour and conduct that has been misinterpreted and misunderstood by several of the male students and I suspect, by a number of the parents. In particular, the use of swear words and other expletives during games or practices should be discouraged by coaches and players alike. Basketball playing and coaching requires a high degree of emotion, but the coaches must set a positive and better example for the players and they should curb the use of foul language. As for favouritism and unfair distribution of playing time there is no evidence that favouritism occurred and I accept the view of the large majority of the students that it did not happen.

Recommendations

In my view, there is a need for reconciliation and healing within the School community and more narrowly, between the individuals involved in the basketball program, whether they be students or coaches. From the interviews I had, and the findings I have made, it is obvious the conduct issues I have discussed are correctable and can be dealt with promptly. I recommend that the coaches, as soon as possible, meet together with administration to review and discuss my findings. I urge them to give immediate consideration to the comments I have made and the areas of coaching concern I identify below:

- 1) The enthusiasm and passion of the coaches is at the center of the success the basketball program has had for many years at the School. Nevertheless, that passion must be controlled to the extent that allegations such as those made in this situation are not likely to arise again. I suggest a Code of Conduct for the coaches can be developed by a committee of coaches and administration to be spelled out in clear and simple terms and applied before the start of the next season.
- 2) The coaches should make every effort to be clear in their discussions with players, particularly in practices, as to what is expected of players, how and when players will be injected into or removed from the flow of the game.
- 3) I recommend that the concept of an ombuds role(s) be considered in connection with legitimate and substantial complaints or concerns from players that may be made with respect to the future operations of the basketball program and in deed, other programs at the School.
- 4) I urge that all persons that have been involved in any aspect, directly or indirectly, of the basketball program at the School, to accept this investigation as positive proof that the program is alive and well and going forward, it can become even more successful and a further source of inspiration to students, parents and administration. I am confident that effective reconciliation efforts and processes will be of great benefit to the School going forward.

From: Cessford, Sheila EDUC:EX
To: Ip, Winson EDUC:EX
Subject: FW: SMUS files
Date: December 3, 2012 10:43:56 AM
Attachments: SMUS files.msg

Please print for the file.

Sheila

Sheila Cessford
Director, Professional Conduct
Teacher Regulation Branch
Ministry of Education
400 – 2025 West Broadway
Vancouver BC V6J 1Z6
Tel 604-714-3300
Fax 604.731.9145

Email sheila.cessford@gov.bc.ca

Our website is www.bcteacherregulation.ca

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From: Ireland, Jassandra EDUC:EX
Sent: December 3, 2012 8:46 AM
To: Cessford, Sheila EDUC:EX
Subject: FW: SMUS files

Hi Sheila:

This is the latest from SMUS.

Jass

From: Cessford, Sheila EDUC:EX
To: Zacharuk, Christina EDUC:EX; Preston, Bruce EDUC:EX
Cc: Ip, Winson EDUC:EX
Subject: FW: SMUS
Date: December 3, 2012 10:43:41 AM
Attachments: SMUS.msg

More information forwarded from Intake regarding SMUS. Winson, please print for the file.

Sheila
Sheila Cessford
Director, Professional Conduct
Teacher Regulation Branch
Ministry of Education
400 – 2025 West Broadway
Vancouver BC V6J 1Z6
Tel 604-714-3300
Fax 604.731.9145
Email sheila.cessford@gov.bc.ca
Our website is www.bcteacherregulation.ca

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From: Ireland, Jassandra EDUC:EX
Sent: December 3, 2012 8:48 AM
To: Cessford, Sheila EDUC:EX
Subject: FW: SMUS

Hi Sheila:

Another SMUS email.

Jass

From: [Cessford, Sheila EDUC:EX](#)
To: [Ip, Winson EDUC:EX](#)
Cc: [Zacharuk, Christina EDUC:EX](#); [Preston, Bruce EDUC:EX](#)
Subject: FW: SMUS
Date: December 3, 2012 4:36:53 PM

Hello Winson:
Please print for the files.
Thanks
Sheila

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To: In, Winson EDUC:EX
Cc: Preston, Bruce EDUC:EX; Zacharuk, Christina EDUC:EX
Subject: Re: SMUS / SNOWDEN
Date: December 4, 2012 3:59:46 PM

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Mr. Snowden called me at 0907 hours and again at 1010 hours this date. His contact information is s.22

He stated that he received two letters from the Branch with respect to the complaint and the commissioner's ordered investigation. He asked questions regarding what he could expect and advised that several processes had already been undertaken at the school level. I explained TRB processes and the fact that a contract independent investigator was in the process of being hired in order to expedite the process. I confirmed that his information and any other information gathered in other investigative processes were important to the commissioner's investigation and that the investigator would be contacting him soon. I advised that he could expect a letter identifying the assigned investigator. I further advised that at the conclusion of the investigation he would be provided a copy of the investigation report for his review and further response. Mr. Snowden was told that he could contact the Branch again if he had any questions regarding the status of this matter. The call concluded after 11 minutes.

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From: [Cessford, Sheila EDUC:EX](#)
To: [Id, Winson EDUC:EX](#)
Subject: FW: concerns about preliminary review
Date: December 6, 2012 6:05:52 PM

Hi Winson:
FOR THE FILE
SHEILA

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From: Cessford, Sheila EDUC:EX [<mailto:Sheila.Cessford@gov.bc.ca>]
Sent: December-06-12 8:06 AM
To: Bob Snowden
Subject: RE: concerns about preliminary review

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From: Cessford, Sheila EDUC:EX
To: Ip, Winson EDUC:EX
Subject: FW: SMUS file
Date: December 10, 2012 1:10:38 PM
Attachments: SMUS file.msg

For the files.
Sheila

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From: Ireland, Jassandra EDUC:EX
Sent: December 10, 2012 9:43 AM
To: s.22
Subject: RE: SMUS file

s.22

Hello

Because I no longer have conduct of your Complaints, I'm forwarding your email to an investigation assistant who will ensure that this information is properly placed in the files. The process for hiring a contract investigator is almost complete and he will be in touch with you as soon as he has had time to review the SMUS files.

Thank you for your kind words regarding the work we do here.

Regards,

Jassandra

From: Cessford, Sheila EDUC:EX
To: Ip, Winson EDUC:EX
Subject: FW: concerns about preliminary review
Date: December 10, 2012 4:07:56 PM
Attachments: 2012-12-10 LT Snowden re SMUS Investigations.pdf

Hi Winson:
For Mr. Snowden's file. Thanks.
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Subject: RE: concerns about preliminary review

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To: Zacharuk, Christina EDUC:EX; Preston, Bruce EDUC:EX
Cc: Ip, Winson EDUC:EX
Subject: FW: SMUS
Date: December 3, 2012 10:43:41 AM
Attachments: SMUS.msg

More information forwarded from Intake regarding SMUS. Winson, please print for the file.

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Investigation Report

Date: August 17, 2012
To: Head of School
From: John P. Sanderson, Q.C., Investigator
Re: Basketball Team – Coaches' Conduct

Introduction

On July 20, 2012, I was appointed to conduct an independent investigation into concerns raised by some parents and players with respect to the conduct of members of the School's coaching staff of the junior and senior boys' and senior girls' basketball teams during the 2011-12 season. These concerns surrounded allegations that several of the coaches were bullying and verbally abusing some of the players on their teams through the use of foul language, name calling, favouritism and unfair distribution of playing time.

My appointment is that of an independent investigator and fact-finder, not that of an adjudicator. I have considerable experience conducting investigative proceedings in connection with the Indian Residential School abuse adjudication program, Sport Dispute Resolution Centre of Canada and colleges and universities in British Columbia and elsewhere. This investigation has been conducted in accordance with the following Investigation Terms of Reference:

- Conduct the investigation in a fair and impartial manner and ensure that pressure or influence from others does not compromise the integrity of the process;
- Use best efforts to limit the scope of the investigation to relevant matters raised in the complaints;

- Manage timelines for the efficient conduct and completion of the investigation;
- Maintain confidentiality of all information received;
- Respect the privacy and access to information with respect to the rights of the parties;
- Inform the parties to the complaint and interviewees of the requirement to maintain confidentiality and consequences of a breach;
- Conduct a thorough and expeditious investigation;
- Make findings based on factual information on the question of whether human rights principles and practices were adhered to by the coaching staff. In particular, determine if there were behaviours that were abusive or demeaning or if viewed by a reasonable person, would be considered inappropriate interference with a person's enjoyment of a school activity;
- Produce a final, written report; and
- Provide appropriate recommendations to achieve reconciliation and team success to benefit players, coaches and the school community.

Procedure

Immediately following my appointment, all team members and the coaching staff were given notice of the appointment. Arrangements were made for interviews to take place at the School campus on July 26, 27, August 1-3, 7 and 8. Thirty-five of the forty-one students took part in the interviews in person or by telephone, as did all members of the coaching staff. Some of the students provided me with a written statement.

The interviews were conducted on a one-on-one basis in a meeting room on campus. Each interview took approximately one hour, although several extended beyond that time. The interviewees were given an explanation of the purpose of the interview and were asked for their assistance and cooperation. They were told this

process was not a formal legal process and while I would be taking notes, they should not consider they were giving evidence as in court or arbitration. They were told that I needed their help to identify the facts to fully understand the circumstances that had occurred and that nothing I was told by them would be attributed to them by name. I identified myself as a dispute resolution person independent of the School. I explained I would not have accepted the appointment if I was not free to report on the matter as I saw fit in my independent and professional capacity.

Without exception, all of the interviewees accepted the terms of reference as set out above for the interview and cooperated fully with me. I am satisfied that all the interviewees answered my questions honestly and in as much detail as they were able to recall. I am exceedingly grateful for their cooperation, candor and assistance.

Background

It is not my purpose to make comment on the experience and capabilities of the coaches. Their individual and joint coaching records speak for themselves. The basketball program at the School has been a large success and for that reason alone, basketball has a positive and high profile in the minds of the students, faculty, parents and outsiders. A number of the students I interviewed told me that one of the major reasons they came to the School, and were encouraged to do so by their parents, was because of the basketball program and their wish to take part in that program. It must be acknowledged that the accomplishments of both the girls' and boys' teams are outstanding and it should be a matter of great pride to everyone associated with the School.

Before dealing with my specific findings and conclusions it is necessary to provide some background and context. Basketball is an intense game that demands discipline. It requires individuals' skill development but also an active understanding and appreciation of how those skills can be melded and integrated with those of other players on a team basis. As in all team sports, players have to accept their assigned roles in the same way an actor in a play must learn to accommodate his or her own ego needs with that of the cast (team). If that is not done, the team performance will falter.

In the early grades at school, basketball and other team sports are largely fun games. In the more senior grades, team sports become more difficult for some players, as that level of play is more demanding of players and coaches. This is even more the case at the college or professional level, which level some of the students I interviewed aspire to.

All of this significantly affects both the players and the coaches. Mistakes, lack of commitment, discipline (on and off the court), team play and other matters became issues for tension and friction between some players and coaches. This is particularly so in Grades 11 and 12 where the challenges become more intense. Some players welcome this and rise to the challenge; others resent the new reality or find they cannot keep up with their teammates. My point is to remind us of the obvious: for some players, what was a fun game in which they could fully compete with their teammates and others, has become an increasingly demanding burden on their ego and self-confidence.

I make these observations because the allegations before me require a careful consideration of the behaviour of the coaches in relation to the players on their teams. The coaches, from my interviews, acknowledge how demanding the basketball

program can be at the senior level for both coaches and players; the dynamic between coaches and players is less relaxed and casual. Especially on the court, fun has been replaced with the demand for discipline and intensity. This is not unique to the sport of basketball; rather, it is a necessary part of the growth and development of every participating athlete, whatever the team sport involved.

The relevancy of these considerations to this inquiry is at least two-fold: the coaching role becomes more difficult because some athletes are unable or unwilling to accept their new basketball environment when they move from the junior to the senior program and the physical and emotional growth of the players have wide variations irrespective of their common ages. It must also be recognized that the need to learn new skills and to expand existing skills as a player is matched by the need to employ and practice team-building skills on the part of the coaches, both collectively and individually. Clashes and misunderstandings between some coaches and some players may arise and create personal tensions. This does not excuse anyone from responsibility for their conduct; however, I must observe that most of the students I interviewed, as well as all the coaches, recognized with considerable understanding the pressures that players and coaches face in connection with their interactions with each other on and off the court. That gives me encouragement in considering how best to reconcile the tensions that have developed.

I turn now to what the students told me in the interviews I conducted. No student claimed they had been abused, physically or sexually or had been treated in any illegal manner by any coach; several male students and one in particular, said some individual players had been treated disrespectfully by coaches who swore and yelled at them "all the time" and reduced their playing time unfairly. Several male students said coaches had cursed and yelled at games and practices but the majority of them said this

was not directed at particular students and rather was “general frustration” with what was happening, or perhaps not happening, on the court.

With two exceptions, all the female players who were interviewed expressed the view that the senior girls’ team was extremely well coached. They said they had enjoyed the past season, had learned a great deal from the experience, had had fun and were looking forward with real enthusiasm to the next season. The two exceptions both told me they feel there was no fault involved and no attempt to discriminate against them; however, “[the coach] was not a good fit for [her] on a personal basis” as one of them stated to me.

The large majority of the male players interviewed stated they had no issues or concerns with their coaches; they were enthusiastic about last year’s program and were looking forward to this year. Most of these students said they were surprised and shocked at the rumours they had heard, especially from what several called “interfering parents” and said they could not understand why anyone would pay attention to what one student said were “nasty lies”. Several said the basketball players and the coaches had been unfairly attacked by the parents; one used the term “hijacked” in describing the impact of the parents’ actions.

The most common descriptions of the coaches I received when I asked each of them to speak bluntly and describe their feelings for their coach(es) was “awesome” and “caring and committed”. A number of them told me that they were seriously upset at the allegations that had been made because they were untrue. One said that “a few players and parents are trying to manufacture evidence of abuse”.

I was particularly struck by the number of students who sought me out through the administrative office from places they were traveling and/or living abroad, in order to arrange an interview with me. Most wanted to tell me how strongly they felt in support of their coaches.

This does not mean there are no issues of concern arising from this investigation. A minority group of four to five boys expressed a different view of their coaches. Specifically, they complained their coaches had engaged in frequent use of foul language and name-calling, as well as various forms of favouritism, particularly the unfair distribution of playing time and player assignments at crucial points in games. In their mind, the coaches were acting discriminatorily and unfairly.

How could a majority of a team have one view of the coaches and a small minority group on the same team have an entirely different view, again of the same coaches? The answer in large part is the interpretation individual team members may have of the same acts, words or deeds of the coaches. For example, there is no doubt that on occasion, certain of the coaches became exasperated with mistakes of a player on the court, openly cursed and were overheard. This could happen at a game or a practice. While it was not a frequent occurrence, it undoubtedly did happen from time to time. The majority of the students said they were not offended because they knew the coach was not swearing at them or any individual team member but was acting in a very human way and expressing his feelings of frustration with a player mistake or referee call, for example. A minority of the boys felt otherwise; however, even these students, other than one, did not say that the coach was consciously swearing at any individuals. They did not like the language that was used and felt offended but did not use the word "abuse" or any similar term when asked to describe their thoughts and feelings.

Similarly, a majority of the boys said they believed there was no improper favouritism shown by coaches of individual players in terms of assignments or court time and believed that the coaches made decisions based on the teams' needs of the moment to have a particular set of players on the court in the circumstances. On the other hand, a small group felt they were sometimes treated unfairly and not given the playing time they felt they were entitled to. In that kind of decision, the coaches' judgment prevails. Two of the players are sons of coaches and both are excellent players according to their teammates. Their playing time was said to be assigned unfairly according to the minority group of boys. There is no actual information I have been given, as distinct from suspicion, to support that view, and as I have said, that view is not shared by the large majority of the players. I find there was no favouritism applied in the coaches' decision-making but it is a subject that should be reviewed and discussed by the coaches and administration so as to minimize the possibility of such concerns arising.

The most angry and outspoken of the male students told me he heard coaches swearing at individual players and berating them all season. As I have said, the large majority of the players deny that happened. Clearly, what one irate student heard was interpreted by him very differently than did the other players. How can this be? For me, the answer has been most clearly and thoughtfully given by one of the students, who immediately after our interview emailed me a summary of his views. That summary, in part, reads as follows:

I am writing to you to provide information with respect to my experiences in the basketball program at [the School]. In addition to playing soccer and basketball for [the School] since [Elementary], I have been involved playing soccer and basketball at a competitive rep level outside of school... I have been coached at an elite level by many different coaches during this time. With these years of

playing sport, I have come to realize that all of these coaches have a few things in common. They are passionate about the sport they coach, they want all the players to have intensity, drive and focus, and they strive to challenge the individual players and the team to be the best they can be.

I have also come to realize that at this grade 11 stage of our lives, as both students and players, we must begin our transition to gain independence, self direction and self drive to be the best we can be. I believe that at this level, the coaches are not here to baby sit us, but are here to push us to reach our fullest potential in order for us to succeed, both individually and as a team.

Some of us have been together since [early grades] and have trained and worked hard to get to where we are today. We have added other pieces (players) to the team along the way, which have enhanced the skill level of the team. As you may realize, not all players have the same drive and intensity in practices and in games. It is up to the coaches to pull this out of each and every one of us. This is not always an easy task. Everyone has different experience levels and not everyone responds to instruction and coaching the same way. Unfortunately, this is probably what has resulted in what is going on today.

Most of the time, coaches provide encouraging and supportive instruction to help us develop our skills. And sometimes, they may use sharp comments to break through to us, stimulate thinking on the court and bring up the intensity level. We dedicated players cannot be living in a bubble. Most of us know how to take the comments in stride and work with them. We may not always like them, but any experienced and dedicated player takes them in and is able to use them to better himself.

As for the coaches, all of them were interviewed at length. Without exception, they cooperated with me fully and answered the questions I directed at them with candour and care. Not surprisingly, there was a common thread of concern and shock at the allegations and the complaints that were made. None of these areas were unexplored and I am satisfied they responded to my questions honestly and fully.

In general, their position, individually and as a group, matches almost exactly the views of the large majority of the students as to their conduct as coaches. They are

clearly proud of their role and what the basketball teams have accomplished. However, as a result of what has occurred, they also accept that they must review their coaching styles and techniques. I was encouraged when I heard them ask what they could do better. There were no denials that on occasion, there had been too much emotional reaction displayed. As one of them said to me "I guess sometimes I get carried away because I care too much for the kids". All agreed that cursing was not appropriate, even if it was intended to be nothing more than a private comment.

Findings

Based on a careful review of all of the information provided to me in the many days and hours of interviews I conducted with the students and coaches, I find there were no behaviours that were deliberately abusive or demeaning or constituted inappropriate interference with a person's enjoyment of a school activity. That is the test I must apply in this investigation as set out in the Terms of Reference I must follow. Accordingly, I find there is no proper basis for discipline to be taken against any of the coaches. However, there is a need to review and reconsider behaviour and conduct that has been misinterpreted and misunderstood by several of the male students and I suspect, by a number of the parents. In particular, the use of swear words and other expletives during games or practices should be discouraged by coaches and players alike. Basketball playing and coaching requires a high degree of emotion, but the coaches must set a positive and better example for the players and they should curb the use of foul language. As for favouritism and unfair distribution of playing time there is no evidence that favouritism occurred and I accept the view of the large majority of the students that it did not happen.

Recommendations

In my view, there is a need for reconciliation and healing within the School community and more narrowly, between the individuals involved in the basketball program, whether they be students or coaches. From the interviews I had, and the findings I have made, it is obvious the conduct issues I have discussed are correctable and can be dealt with promptly. I recommend that the coaches, as soon as possible, meet together with administration to review and discuss my findings. I urge them to give immediate consideration to the comments I have made and the areas of coaching concern I identify below:

- 1) The enthusiasm and passion of the coaches is at the center of the success the basketball program has had for many years at the School. Nevertheless, that passion must be controlled to the extent that allegations such as those made in this situation are not likely to arise again. I suggest a Code of Conduct for the coaches can be developed by a committee of coaches and administration to be spelled out in clear and simple terms and applied before the start of the next season.
- 2) The coaches should make every effort to be clear in their discussions with players, particularly in practices, as to what is expected of players, how and when players will be injected into or removed from the flow of the game.
- 3) I recommend that the concept of an ombuds role(s) be considered in connection with legitimate and substantial complaints or concerns from players that may be made with respect to the future operations of the basketball program and in deed, other programs at the School.
- 4) I urge that all persons that have been involved in any aspect, directly or indirectly, of the basketball program at the School, to accept this investigation as positive proof that the program is alive and well and going forward, it can become even more successful and a further source of inspiration to students, parents and administration. I am confident that effective reconciliation efforts and processes will be of great benefit to the School going forward.

Ireland, Jassandra EDUC:EX

From: s.22
Sent: August 23, 2012 7:58 AM
To: Ireland, Jassandra EDUC:EX
Subject: Fw: Basketball Report - John Sanderson
Attachments: School Investigation Report August 2012 - basketball coaching staff.pdf; Addendum - next steps.docx

From: s.22
Sent: Wednesday, August 22, 2012 7:26 AM
To: s.22
Subject: FW: Basketball Report - John Sanderson

From: Bob Snowden
Sent: August-21-12 11:30 AM
To: _General - All Faculty, Admin and House Staff
Subject: Basketball Report - John Sanderson

Dear Colleagues;

Many of you have taken a deep interest in the complaints that surfaced this past year about the Senior Basketball program. To many, it may seem that these various processes have been too long, too careful, and too extensive. However, given the potential seriousness of the complaints, the consequences they may have for careers, and the heightened sensitivity to concerns about abuse in cases in the news in recent years, both in BC and beyond, it was necessary to take these steps. In particular, the coaches have conducted themselves professionally and patiently while events have unfolded that affect them and their reputations deeply. While the complaints were serious and had to be examined carefully and thoroughly, it is also important to ensure fairness for teachers who commit themselves deeply to the school and the students they teach and coach. I hope that everyone will recognize that this has been a difficult experience for all involved, whichever side of the issue, and that for the well-being of everyone –both as an individual and as a community, and especially for the sake of the

students – it is important to move into the future constructively.

Attached to this email is the report by John Sanderson, QC, into the complaints the School received last School year about some boys' and girls' experiences in our basketball program. Very briefly, a number of complaints were received during the March break of last school year about the experience of some of the boys on the Senior Boys' Basketball team, and I undertook an examination of the complaints. The first part of that examination involved speaking only to parents, respecting a request from parents that their children not participate in a process of verification and questioning. When complaints became more serious, I did hear students' statements, but this process was more in the nature of acknowledging students feelings of distress rather than a process of verification of facts. By this point some complaints had been included from the Senior Girls and Junior Boys' Basketball teams. In early June, therefore, the School appointed Robert Ellis, Ombudsman of ISABC, to review the material and the process in order to allow the coaches the opportunity to tell their version of events. The Ombudsman did not have direct access to the students, and his recommendations were limited by this fact. Therefore, the Board and the School decided that in order to address the issues professionally and thoroughly, it was necessary to appoint an independent fact-finder who would investigate the complaints. John Sanderson, QC, has extensive experience in high-level athletics investigation issues that range from doping to coaching controversies to selection disputes for national and international competition. In addition, he has extensive experience as one of the investigators of cases in the BC Residential Schools abuse matter, where he adjudicates and assesses penalties. His report outlines his process and findings.

Also attached to this message is an addendum that outlines the steps the School is taking to follow up on the recommendations of the report.

All staff are receiving a copy of this message.

Bob Snowden

Robert Snowden
Head of School
St. Michaels University School
Victoria, BC, Canada V8P 4P5

Phone 250 592 2411
Fax 250 592 2812

email robert.snowden@smus.bc.ca

*Visit the [SMUS Home Page](#) - especially [The Head's Blog](#)
Read the [SMUS Weekly](#) for what's happening at the school.
Follow on Twitter: [@snowdenrt](#)*

The SMUS Vision: *To learn, to lead, to serve; discovering the promise in ourselves and the world*

The SMUS Mission: *Our school seeks the excellence in all of us, with passion and compassion. We are a community shaped by the pursuit of truth and goodness, providing outstanding preparation for higher learning and for life.*

Investigation Report

Date: August 17, 2012

To: Head of School

From: John P. Sanderson, Q.C., Investigator

Re: Basketball Team – Coaches' Conduct

Introduction

On July 20, 2012, I was appointed to conduct an independent investigation into concerns raised by some parents and players with respect to the conduct of members of the School's coaching staff of the junior and senior boys' and senior girls' basketball teams during the 2011-12 season. These concerns surrounded allegations that several of the coaches were bullying and verbally abusing some of the players on their teams through the use of foul language, name calling, favouritism and unfair distribution of playing time.

My appointment is that of an independent investigator and fact-finder, not that of an adjudicator. I have considerable experience conducting investigative proceedings in connection with the Indian Residential School abuse adjudication program, Sport Dispute Resolution Centre of Canada and colleges and universities in British Columbia and elsewhere. This investigation has been conducted in accordance with the following Investigation Terms of Reference:

- Conduct the investigation in a fair and impartial manner and ensure that pressure or influence from others does not compromise the integrity of the process;
- Use best efforts to limit the scope of the investigation to relevant matters raised in the complaints;

- Manage timelines for the efficient conduct and completion of the investigation;
- Maintain confidentiality of all information received;
- Respect the privacy and access to information with respect to the rights of the parties;
- Inform the parties to the complaint and interviewees of the requirement to maintain confidentiality and consequences of a breach;
- Conduct a thorough and expeditious investigation;
- Make findings based on factual information on the question of whether human rights principles and practices were adhered to by the coaching staff. In particular, determine if there were behaviours that were abusive or demeaning or if viewed by a reasonable person, would be considered inappropriate interference with a person's enjoyment of a school activity;
- Produce a final, written report; and
- Provide appropriate recommendations to achieve reconciliation and team success to benefit players, coaches and the school community.

Procedure

Immediately following my appointment, all team members and the coaching staff were given notice of the appointment. Arrangements were made for interviews to take place at the School campus on July 26, 27, August 1-3, 7 and 8. Thirty-five of the forty-one students took part in the interviews in person or by telephone, as did all members of the coaching staff. Some of the students provided me with a written statement.

The interviews were conducted on a one-on-one basis in a meeting room on campus. Each interview took approximately one hour, although several extended beyond that time. The interviewees were given an explanation of the purpose of the interview and were asked for their assistance and cooperation. They were told this

process was not a formal legal process and while I would be taking notes, they should not consider they were giving evidence as in court or arbitration. They were told that I needed their help to identify the facts to fully understand the circumstances that had occurred and that nothing I was told by them would be attributed to them by name. I identified myself as a dispute resolution person independent of the School. I explained I would not have accepted the appointment if I was not free to report on the matter as I saw fit in my independent and professional capacity.

Without exception, all of the interviewees accepted the terms of reference as set out above for the interview and cooperated fully with me. I am satisfied that all the interviewees answered my questions honestly and in as much detail as they were able to recall. I am exceedingly grateful for their cooperation, candor and assistance.

Background

It is not my purpose to make comment on the experience and capabilities of the coaches. Their individual and joint coaching records speak for themselves. The basketball program at the School has been a large success and for that reason alone, basketball has a positive and high profile in the minds of the students, faculty, parents and outsiders. A number of the students I interviewed told me that one of the major reasons they came to the School, and were encouraged to do so by their parents, was because of the basketball program and their wish to take part in that program. It must be acknowledged that the accomplishments of both the girls' and boys' teams are outstanding and it should be a matter of great pride to everyone associated with the School.

Before dealing with my specific findings and conclusions it is necessary to provide some background and context. Basketball is an intense game that demands discipline. It requires individuals' skill development but also an active understanding and appreciation of how those skills can be melded and integrated with those of other players on a team basis. As in all team sports, players have to accept their assigned roles in the same way an actor in a play must learn to accommodate his or her own ego needs with that of the cast (team). If that is not done, the team performance will falter.

In the early grades at school, basketball and other team sports are largely fun games. In the more senior grades, team sports become more difficult for some players, as that level of play is more demanding of players and coaches. This is even more the case at the college or professional level, which level some of the students I interviewed aspire to.

All of this significantly affects both the players and the coaches. Mistakes, lack of commitment, discipline (on and off the court), team play and other matters became issues for tension and friction between some players and coaches. This is particularly so in Grades 11 and 12 where the challenges become more intense. Some players welcome this and rise to the challenge; others resent the new reality or find they cannot keep up with their teammates. My point is to remind us of the obvious: for some players, what was a fun game in which they could fully compete with their teammates and others, has become an increasingly demanding burden on their ego and self-confidence.

I make these observations because the allegations before me require a careful consideration of the behaviour of the coaches in relation to the players on their teams. The coaches, from my interviews, acknowledge how demanding the basketball

program can be at the senior level for both coaches and players; the dynamic between coaches and players is less relaxed and casual. Especially on the court, fun has been replaced with the demand for discipline and intensity. This is not unique to the sport of basketball; rather, it is a necessary part of the growth and development of every participating athlete, whatever the team sport involved.

The relevancy of these considerations to this inquiry is at least two-fold: the coaching role becomes more difficult because some athletes are unable or unwilling to accept their new basketball environment when they move from the junior to the senior program and the physical and emotional growth of the players have wide variations irrespective of their common ages. It must also be recognized that the need to learn new skills and to expand existing skills as a player is matched by the need to employ and practice team-building skills on the part of the coaches, both collectively and individually. Clashes and misunderstandings between some coaches and some players may arise and create personal tensions. This does not excuse anyone from responsibility for their conduct; however, I must observe that most of the students I interviewed, as well as all the coaches, recognized with considerable understanding the pressures that players and coaches face in connection with their interactions with each other on and off the court. That gives me encouragement in considering how best to reconcile the tensions that have developed.

I turn now to what the students told me in the interviews I conducted. No student claimed they had been abused, physically or sexually or had been treated in any illegal manner by any coach; several male students and one in particular, said some individual players had been treated disrespectfully by coaches who swore and yelled at them "all the time" and reduced their playing time unfairly. Several male students said coaches had cursed and yelled at games and practices but the majority of them said this

was not directed at particular students and rather was “general frustration” with what was happening, or perhaps not happening, on the court.

With two exceptions, all the female players who were interviewed expressed the view that the senior girls’ team was extremely well coached. They said they had enjoyed the past season, had learned a great deal from the experience, had had fun and were looking forward with real enthusiasm to the next season. The two exceptions both told me they feel there was no fault involved and no attempt to discriminate against them; however, “[the coach] was not a good fit for [her] on a personal basis” as one of them stated to me.

The large majority of the male players interviewed stated they had no issues or concerns with their coaches; they were enthusiastic about last year’s program and were looking forward to this year. Most of these students said they were surprised and shocked at the rumours they had heard, especially from what several called “interfering parents” and said they could not understand why anyone would pay attention to what one student said were “nasty lies”. Several said the basketball players and the coaches had been unfairly attacked by the parents; one used the term “hijacked” in describing the impact of the parents’ actions.

The most common descriptions of the coaches I received when I asked each of them to speak bluntly and describe their feelings for their coach(es) was “awesome” and “caring and committed”. A number of them told me that they were seriously upset at the allegations that had been made because they were untrue. One said that “a few players and parents are trying to manufacture evidence of abuse”.

I was particularly struck by the number of students who sought me out through the administrative office from places they were traveling and/or living abroad, in order to arrange an interview with me. Most wanted to tell me how strongly they felt in support of their coaches.

This does not mean there are no issues of concern arising from this investigation. A minority group of four to five boys expressed a different view of their coaches. Specifically, they complained their coaches had engaged in frequent use of foul language and name-calling, as well as various forms of favouritism, particularly the unfair distribution of playing time and player assignments at crucial points in games. In their mind, the coaches were acting discriminatorily and unfairly.

How could a majority of a team have one view of the coaches and a small minority group on the same team have an entirely different view, again of the same coaches? The answer in large part is the interpretation individual team members may have of the same acts, words or deeds of the coaches. For example, there is no doubt that on occasion, certain of the coaches became exasperated with mistakes of a player on the court, openly cursed and were overheard. This could happen at a game or a practice. While it was not a frequent occurrence, it undoubtedly did happen from time to time. The majority of the students said they were not offended because they knew the coach was not swearing at them or any individual team member but was acting in a very human way and expressing his feelings of frustration with a player mistake or referee call, for example. A minority of the boys felt otherwise; however, even these students, other than one, did not say that the coach was consciously swearing at any individuals. They did not like the language that was used and felt offended but did not use the word "abuse" or any similar term when asked to describe their thoughts and feelings.

Similarly, a majority of the boys said they believed there was no improper favouritism shown by coaches of individual players in terms of assignments or court time and believed that the coaches made decisions based on the teams' needs of the moment to have a particular set of players on the court in the circumstances. On the other hand, a small group felt they were sometimes treated unfairly and not given the playing time they felt they were entitled to. In that kind of decision, the coaches' judgment prevails. Two of the players are sons of coaches and both are excellent players according to their teammates. Their playing time was said to be assigned unfairly according to the minority group of boys. There is no actual information I have been given, as distinct from suspicion, to support that view, and as I have said, that view is not shared by the large majority of the players. I find there was no favouritism applied in the coaches' decision-making but it is a subject that should be reviewed and discussed by the coaches and administration so as to minimize the possibility of such concerns arising.

The most angry and outspoken of the male students told me he heard coaches swearing at individual players and berating them all season. As I have said, the large majority of the players deny that happened. Clearly, what one irate student heard was interpreted by him very differently than did the other players. How can this be? For me, the answer has been most clearly and thoughtfully given by one of the students, who immediately after our interview emailed me a summary of his views. That summary, in part, reads as follows:

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playing sport, I have come to realize that all of these coaches have a few things in common. They are passionate about the sport they coach, they want all the players to have intensity, drive and focus, and they strive to challenge the individual players and the team to be the best they can be.

I have also come to realize that at this grade 11 stage of our lives, as both students and players, we must begin our transition to gain independence, self direction and self drive to be the best we can be. I believe that at this level, the coaches are not here to baby sit us, but are here to push us to reach our fullest potential in order for us to succeed, both individually and as a team.

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clearly proud of their role and what the basketball teams have accomplished. However, as a result of what has occurred, they also accept that they must review their coaching styles and techniques. I was encouraged when I heard them ask what they could do better. There were no denials that on occasion, there had been too much emotional reaction displayed. As one of them said to me "I guess sometimes I get carried away because I care too much for the kids". All agreed that cursing was not appropriate, even if it was intended to be nothing more than a private comment.

Findings

Based on a careful review of all of the information provided to me in the many days and hours of interviews I conducted with the students and coaches, I find there were no behaviours that were deliberately abusive or demeaning or constituted inappropriate interference with a person's enjoyment of a school activity. That is the test I must apply in this investigation as set out in the Terms of Reference I must follow. Accordingly, I find there is no proper basis for discipline to be taken against any of the coaches. However, there is a need to review and reconsider behaviour and conduct that has been misinterpreted and misunderstood by several of the male students and I suspect, by a number of the parents. In particular, the use of swear words and other expletives during games or practices should be discouraged by coaches and players alike. Basketball playing and coaching requires a high degree of emotion, but the coaches must set a positive and better example for the players and they should curb the use of foul language. As for favouritism and unfair distribution of playing time there is no evidence that favouritism occurred and I accept the view of the large majority of the students that it did not happen.

Recommendations

In my view, there is a need for reconciliation and healing within the School community and more narrowly, between the individuals involved in the basketball program, whether they be students or coaches. From the interviews I had, and the findings I have made, it is obvious the conduct issues I have discussed are correctable and can be dealt with promptly. I recommend that the coaches, as soon as possible, meet together with administration to review and discuss my findings. I urge them to give immediate consideration to the comments I have made and the areas of coaching concern I identify below:

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- 4) I urge that all persons that have been involved in any aspect, directly or indirectly, of the basketball program at the School, to accept this investigation as positive proof that the program is alive and well and going forward, it can become even more successful and a further source of inspiration to students, parents and administration. I am confident that effective reconciliation efforts and processes will be of great benefit to the School going forward.

Addendum: Next Steps

The School will follow the recommendations outlined in the report. Therefore, the following steps will be taken. In addition to the steps recommended in the report, the School has been in the process of planning other initiatives that will help us create an outstanding and exemplary athletic program that is consistent with the values that underpin SMUS life and which, in the words of the School's Mission, will help us to "pursue the excellence in all of us."

1. The School will develop a code of conduct for coaches, players, parents and other spectators of athletics at the School.
2. A process of clarifying expectations for players in our sports program at various levels will be developed, so that players, parents and coaches understand the differences in competitive and recreational programs, especially in the senior grades.
3. We will work to establish the recommended "ombudsman" role or roles, so that there is an avenue for complaints not only in the basketball program but in other areas of school life.
4. As stated or implied in the final recommendation, we will work to create conditions for everyone to move forward in the spirit suggested by the report, respecting its findings. As implied in this recommendation, the School will set up very quickly a reconciliation process to allow those players, parents and coaches who have had significant differences to move forward constructively.
5. The report indicated that there was no abuse of players, and that although there is a need to review the behaviour that distressed some students and could in future lead to similar distress, there was "no proper basis for discipline" of the coaches. Therefore they will continue to coach basketball at the School without interruption according to their usual assignments and the needs of the program.
6. We will undertake an Athletic Review that will build on the review of 2005, and examine the ways in which our program can best serve as wide a range of athletes as possible, providing opportunities for all students to learn the lessons of skill and character that sports can teach, in a program that operates as far as possible across the competitive and recreational spectrum.
7. We will focus considerable professional development work for our staff on coaching skills and practices, supporting all our coaches, as we also support our teachers in the classroom, in their goals of being exemplary professionals at SMUS.

From: Bob Snowden [mailto:Bob.Snowden@smus.bc.ca]
Sent: Tuesday, August 21, 2012 11:33 AM
To: Bob Snowden
Subject: Basketball Report - John Sanderson

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individual and as a
school community,
and especially for the
sake of the students –
it is important to

move into the future constructively.

Attached to this email is the report by John Sanderson, QC, who was appointed to investigate complaints received about the experiences of some students in our basketball program, on the Senior Boys, Junior Boys, and Senior Girls teams.

Here is a brief background. After considerable time had been spent by the Headmaster looking into these complaints, and subsequently by the Ombudsman of the Independent Schools Association of BC, Mr. Robert Ellis, we decided that in order to address the issues professionally and thoroughly, it was necessary to appoint an independent fact finder who would investigate the complaints. John Sanderson, QC, has extensive experience in high-level athletics investigation issues that range from doping to coaching

controversies to selection disputes for national and international competition. In addition, he has extensive experience as one of the investigators of cases in the BC Residential Schools abuse matter, where he adjudicates and assesses penalties. His report outlines his process and findings.

Also attached to this message is an addendum that outlines the steps the School is taking to follow up on the recommendations of the report.

All parents on the three basketball teams mentioned above are receiving a copy of this message.

Bob Snowden

From: Bob Snowden
Sent: August-21-12 11:30 AM
To: _General - All Faculty, Admin and House Staff
Subject: Basketball Report - John Sanderson

Dear Colleagues;

Many of you have taken a deep interest in the complaints that surfaced this past year about the Senior Basketball program. To

many, it may seem that these various processes have been too long, too careful, and too extensive. However, given the potential seriousness of the complaints, the consequences they may have for careers, and the heightened sensitivity to concerns about abuse in cases in the news in recent years, both in BC and beyond, it was necessary to take these steps. In particular, the coaches have conducted themselves professionally and patiently while events have unfolded that affect them and their reputations deeply. While the complaints were serious and had to be examined carefully and thoroughly, it is also important to ensure fairness for teachers who commit themselves deeply to the school and the students they teach and coach. I hope that everyone will recognize that this has been difficult experience for all involved, whichever side of the issue, and that for the well-being of everyone –both as an individual and as a community, and especially for the sake of the students – it is important to move into the future constructively.

Attached to this email is the report by John Sanderson, QC, into the complaints the School received last School year about some boys' and girls' experiences in our basketball program. Very briefly, a number of complaints

were received during the March break of last school year about the experience of some of the boys on the Senior Boys' Basketball team, and I undertook an examination of the complaints. The first part of that examination involved speaking only to parents, respecting a request from parents that their children not participate in a process of verification and questioning. When complaints became more serious, I did hear students' statements, but this process was more in the nature of acknowledging students feelings of distress rather than a process of verification of facts. By this point some complaints had been included from the Senior Girls and Junior Boys' Basketball teams. In early June, therefore, the School appointed Robert Ellis, Ombudsman of ISABC, to review the material and the process in order to allow the coaches the opportunity to tell their version of events. The Ombudsman did not have direct access to the students, and his recommendations were limited by this fact. Therefore, the Board and the School decided that in order to address the issues professionally and thoroughly, it was necessary to appoint an independent fact-finder who would investigate the complaints. John Sanderson, QC, has extensive experience in high-

level athletics investigation issues that range from doping to coaching controversies to selection disputes for national and international competition. In addition, he has extensive experience as one of the investigators of cases in the BC Residential Schools abuse matter, where he adjudicates and assesses penalties. His report outlines his process and findings.

Also attached to this message is an addendum that outlines the steps the School is taking to follow up on the recommendations of the report.

All staff are receiving a copy of this message.

Bob Snowden

Robert Snowden

Head of School

St. Michaels University School

Victoria, BC, Canada V8P 4P5

Phone 250 592 2411

Fax 250 592 2812

email robert.snowden@smus.bc.ca

Visit the [SMUS Home Page](#) - especially [The Head's Blog](#)

Read the [SMUS Weekly](#) for what's happening at the school.

Follow on Twitter: [@snowdenrt](#)

The SMUS Vision: To learn, to lead, to serve; discovering the promise in our selves and the world

The SMUS Mission: Our school seeks the excellence in all of us, with passion and compassion. We are a community shaped by the pursuit of truth and goodness, providing outstanding preparation for higher learning and for life.

Investigation Report

Date: August 17, 2012

To: Head of School

From: John P. Sanderson, Q.C., Investigator

Re: Basketball Team – Coaches' Conduct

Introduction

On July 20, 2012, I was appointed to conduct an independent investigation into concerns raised by some parents and players with respect to the conduct of members of

the School's coaching staff of the junior and senior boys' and senior girls' basketball

teams during the 2011-12 season. These concerns surrounded allegations that several of the coaches were bullying and verbally abusing some of the players on their teams through the use of foul language, name calling, favouritism and unfair distribution of playing time.

My appointment is that of an independent investigator and fact-finder, not that of an adjudicator. I have considerable experience conducting investigative proceedings in connection with the Indian Residential School abuse adjudication program, Sport Dispute Resolution Centre of Canada and colleges and universities in British Columbia and elsewhere. This investigation has been conducted in accordance with the following Investigation Terms of Reference:

- Conduct the investigation in a fair and impartial manner and ensure that pressure or influence from others does not compromise the integrity of the process;

- Use best efforts to limit the scope of the investigation to relevant matters raised in the complaints;

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- Manage timelines for the efficient conduct and completion of the investigation;

- Maintain confidentiality of all information received;

- Respect the privacy and access to information with respect to the rights of the parties;

- Inform the parties to the complaint and interviewees of the requirement to maintain confidentiality and consequences of a breach;

- Conduct a thorough and expeditious investigation;

- Make findings based on factual information on the question of whether human rights principles and practices were adhered to by the coaching staff. In particular, determine if there were behaviours that were abusive or demeaning or if viewed by a reasonable person, would be considered inappropriate interference with a person's enjoyment of a school activity;

- Produce a final, written report; and

- Provide appropriate recommendations to achieve reconciliation and team success to benefit players, coaches and the school community.

Procedure

Immediately following my appointment, all team members and the coaching staff were given notice of the appointment. Arrangements were made for interviews to take place at the School campus on July 26, 27, August 1-3, 7 and 8. Thirty-five of the forty-one students took part in the interviews in person or by telephone, as did all members of the coaching staff. Some of the students provided me with a written statement.

The interviews were conducted on a one-on-one basis in a meeting room on campus. Each interview took approximately one hour, although several extended beyond that time. The interviewees were given an explanation of the purpose of the interview and were asked for their assistance and cooperation. They were told this

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process was not a formal legal process and while I would be taking notes, they should not consider they were giving evidence as in court or arbitration. They were told that I

needed their help to identify the facts to fully understand the circumstances that had occurred and that nothing I was told by them would be attributed to them by name. I identified myself as a dispute resolution person independent of the School. I explained I would not have accepted the appointment if I was not free to report on the matter as I saw fit in my independent and professional capacity.

Without exception, all of the interviewees accepted the terms of reference as set out above for the interview and cooperated fully with me. I am satisfied that all the interviewees answered my questions honestly and in as much detail as they were able to recall. I am exceedingly grateful for their cooperation, candor and assistance.

Background

It is not my purpose to make comment on the experience and capabilities of the coaches. Their individual and joint coaching records speak for themselves. The basketball program at the School has been a large success and for that reason alone, basketball has a positive and high profile in the minds of the students, faculty, parents and outsiders. A number of the students I interviewed told me that one of the major reasons they came to the School, and were encouraged to do so by their parents, was because of the basketball program and their wish to take part in that program. It must be acknowledged that the accomplishments of both the girls' and boys' teams are outstanding and it should be a matter of great pride to everyone associated with the School.

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Before dealing with my specific findings and conclusions it is necessary to provide some background and context. Basketball is an intense game that demands discipline. It requires individuals' skill development but also an active understanding and appreciation of how those skills can be melded and integrated with those of other players on a team basis. As in all team sports, players have to accept their assigned roles in the same way an actor in a play must learn to accommodate his or her own ego needs with that of the cast (team). If that is not done, the team performance will falter. In the early grades at school, basketball and other team sports are largely fun games. In the more senior grades, team sports become more difficult for some players, as that level of play is more demanding of players and coaches. This is even more the case at the college or professional level, which level some of the students I interviewed aspire to.

All of this significantly affects both the players and the coaches. Mistakes, lack of commitment, discipline (on and off the court), team play and other matters became issues for tension and friction between some players and coaches. This is particularly so in Grades 11 and 12 where the challenges become more intense. Some players welcome this and rise to the challenge; others resent the new reality or find they cannot keep up with their teammates. My point is to remind us of the obvious: for some players, what was a fun game in which they could fully compete with their teammates and others, has become an increasingly demanding burden on their ego and selfconfidence.

I make these observations because the allegations before me require a careful consideration of the behaviour of the coaches in relation to the players on their teams. The coaches, from my interviews, acknowledge how demanding the basketball

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program can be at the senior level for both coaches and players; the dynamic between coaches and players is less relaxed and casual. Especially on the court, fun has been replaced with the demand for discipline and intensity. This is not unique to the sport of basketball; rather, it is a necessary part of the growth and development of every participating athlete, whatever the team sport involved.

The relevancy of these considerations to this inquiry is at least two-fold: the coaching role becomes more difficult because some athletes are unable or unwilling to accept their new basketball environment when they move from the junior to the senior program and the physical and emotional growth of the players have wide variations irrespective of their common ages. It must also be recognized that the need to learn new skills and to expand existing skills as a player is matched by the need to employ and practice team-building skills on the part of the coaches, both collectively and individually. Clashes and misunderstandings between some coaches and some players may arise and create personal tensions. This does not excuse anyone from responsibility for their conduct; however, I must observe that most of the students I interviewed, as well as all the coaches, recognized with considerable understanding the pressures that players and coaches face in connection with their interactions with each other on and off the court. That gives me encouragement in considering how best to reconcile the tensions that have developed.

I turn now to what the students told me in the interviews I conducted. No student claimed they had been abused, physically or sexually or had been treated in any

illegal manner by any coach; several male students and one in particular, said some individual players had been treated disrespectfully by coaches who swore and yelled at them "all the time" and reduced their playing time unfairly. Several male students said coaches had cursed and yelled at games and practices but the majority of them said this

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was not directed at particular students and rather was "general frustration" with what was happening, or perhaps not happening, on the court.

With two exceptions, all the female players who were interviewed expressed the view that the senior girls' team was extremely well coached. They said they had enjoyed the past season, had learned a great deal from the experience, had had fun and

were looking forward with real enthusiasm to the next season. The two exceptions both told me they feel there was no fault involved and no attempt to discriminate against them; however, "[the coach] was not a good fit for [her] on a personal basis" as one of them stated to me.

The large majority of the male players interviewed stated they had no issues or concerns with their coaches; they were enthusiastic about last year's program and were looking forward to this year. Most of these students said they were surprised and shocked at the rumours they had heard, especially from what several called "interfering parents" and said they could not understand why anyone would pay attention to what one student said were "nasty lies". Several said the basketball players and the coaches had been unfairly attacked by the parents; one used the term "hijacked" in describing the impact of the parents' actions.

The most common descriptions of the coaches I received when I asked each of them to speak bluntly and describe their feelings for their coach(es) was “awesome” and “caring and committed”. A number of them told me that they were seriously upset at the allegations that had been made because they were untrue. One said that “a few players and parents are trying to manufacture evidence of abuse”.

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I was particularly struck by the number of students who sought me out through the administrative office from places they were traveling and/or living abroad, in order to arrange an interview with me. Most wanted to tell me how strongly they felt in support of their coaches.

This does not mean there are no issues of concern arising from this investigation. A minority group of four to five boys expressed a different view of their coaches. Specifically, they complained their coaches had engaged in frequent use of foul language and name-calling, as well as various forms of favouritism, particularly the unfair distribution of playing time and player assignments at crucial points in games. In their mind, the coaches were acting discriminatorily and unfairly.

How could a majority of a team have one view of the coaches and a small minority group on the same team have an entirely different view, again of the same coaches? The answer in large part is the interpretation individual team members may have of the same acts, words or deeds of the coaches. For example, there is no doubt that on occasion, certain of the coaches became exasperated with mistakes of a player on

the court, openly cursed and were overheard. This could happen at a game or a practice. While it was not a frequent occurrence, it undoubtedly did happen from time to time. The majority of the students said they were not offended because they knew the coach was not swearing at them or any individual team member but was acting in a very human way and expressing his feelings of frustration with a player mistake or referee call, for example. A minority of the boys felt otherwise; however, even these students, other than one, did not say that the coach was consciously swearing at any individuals. They did not like the language that was used and felt offended but did not use the word “abuse” or any similar term when asked to describe their thoughts and feelings.

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Similarly, a majority of the boys said they believed there was no improper favouritism shown by coaches of individual players in terms of assignments or court time and believed that the coaches made decisions based on the teams’ needs of the moment to have a particular set of players on the court in the circumstances. On the other hand, a small group felt they were sometimes treated unfairly and not given the playing time they felt they were entitled to. In that kind of decision, the coaches’ judgment prevails. Two of the players are sons of coaches and both are excellent players according to their teammates. Their playing time was said to be assigned unfairly according to the minority group of boys. There is no actual information I have been given, as distinct from suspicion, to support that view, and as I have said, that view is not shared by the large majority of the players. I find there was no favouritism applied in the coaches’ decision-making but it is a subject that should be reviewed and discussed by the coaches and administration so as to minimize the possibility of such

concerns arising.

The most angry and outspoken of the male students told me he heard coaches swearing at individual players and berating them all season. As I have said, the large majority of the players deny that happened. Clearly, what one irate student heard was interpreted by him very differently than did the other players. How can this be? For me, the answer has been most clearly and thoughtfully given by one of the students, who immediately after our interview emailed me a summary of his views. That summary, in part, reads as follows:

I am writing to you to provide information with respect to my experiences in the basketball program at [the School]. In addition to playing soccer and basketball for [the School] since [Elementary], I have been involved playing soccer and basketball at a competitive rep level outside of school... I have been coached at an elite level by many different coaches during this time. With these years of

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playing sport, I have come to realize that all of these coaches have a few things in common. They are passionate about the sport they coach, they want all the players to have intensity, drive and focus, and they strive to challenge the individual players and the team to be the best they can be.

I have also come to realize that at this grade 11 stage of our lives, as both students and players, we must begin our transition to gain independence, self direction and self drive to be the best we can be. I believe that at this level, the coaches are not here to baby sit us, but are here to push us to reach our fullest potential in order for us to succeed, both individually and as a team.

Some of us have been together since [early grades] and have trained and worked hard to get to where we are today. We have added other pieces (players) to the team along the way, which have enhanced the skill level of the team. As you may realize, not all players have the same drive and intensity in practices and in games. It is up to the coaches to pull this out of each and every one of us. This is not always an easy task. Everyone has different experience levels and not everyone responds to instruction and coaching the same way. Unfortunately, this is probably what has resulted in what is going on today.

Most of the time, coaches provide encouraging and supportive instruction to help us develop our skills. And sometimes, they may use sharp comments to break through to us, stimulate thinking on the court and bring up the intensity level. We dedicated players cannot be living in a bubble. Most of us know how to take the comments in stride and work with them. We may not always like them, but any experienced and dedicated player takes them in and is able to use them to better himself.

As for the coaches, all of them were interviewed at length. Without exception, they cooperated with me fully and answered the questions I directed at them with candour and care. Not surprisingly, there was a common thread of concern and shock at the allegations and the complaints that were made. None of these areas were unexplored and I am satisfied they responded to my questions honestly and fully. In general, their position, individually and as a group, matches almost exactly the views of the large majority of the students as to their conduct as coaches. They are

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clearly proud of their role and what the basketball teams have accomplished. However, as a result of what has occurred, they also accept that they must review their coaching styles and techniques. I was encouraged when I heard them ask what they could do better. There were no denials that on occasion, there had been too much emotional reaction displayed. As one of them said to me "I guess sometimes I get carried away because I care too much for the kids". All agreed that cursing was not appropriate, even if it was intended to be nothing more than a private comment.

Findings

Based on a careful review of all of the information provided to me in the many days and hours of interviews I conducted with the students and coaches, I find there were no behaviours that were deliberately abusive or demeaning or constituted inappropriate interference with a person's enjoyment of a school activity. That is the test I must apply in this investigation as set out in the Terms of Reference I must follow. Accordingly, I find there is no proper basis for discipline to be taken against any of the coaches. However, there is a need to review and reconsider behaviour and conduct that has been misinterpreted and misunderstood by several of the male students and I suspect, by a number of the parents. In particular, the use of swear words and other expletives during games or practices should be discouraged by coaches and players alike. Basketball playing and coaching requires a high degree of emotion, but the coaches must set a positive and better example for the players and they should curb the use of foul language. As for favouritism and unfair distribution of playing time there is no evidence that favouritism occurred and I accept the view of the large majority of the students that it did not happen.

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Recommendations

In my view, there is a need for reconciliation and healing within the School community and more narrowly, between the individuals involved in the basketball program, whether they be students or coaches. From the interviews I had, and the findings I have made, it is obvious the conduct issues I have discussed are correctable and can be dealt with promptly. I recommend that the coaches, as soon as possible, meet together with administration to review and discuss my findings. I urge them to give immediate consideration to the comments I have made and the areas of coaching concern I identify below:

1) The enthusiasm and passion of the coaches is at the center of the success the basketball program has had for many years at the School.

Nevertheless, that passion must be controlled to the extent that allegations such as those made in this situation are not likely to arise again. I suggest a Code of Conduct for the coaches can be developed by a committee of coaches and administration to be spelled out in clear and simple terms and applied before the start of the next season.

2) The coaches should make every effort to be clear in their discussions with players, particularly in practices, as to what is expected of players, how and when players will be injected into or removed from the flow of the game.

3) I recommend that the concept of an ombuds role(s) be considered in connection with legitimate and substantial complaints or concerns from

players that may be made with respect to the future operations of the basketball program and in deed, other programs at the School.

4) I urge that all persons that have been involved in any aspect, directly or indirectly, of the basketball program at the School, to accept this investigation as positive proof that the program is alive and well and going forward, it can become even more successful and a further source of inspiration to students, parents and administration. I am confident that effective reconciliation efforts and processes will be of great benefit to the School going forward.

Addendum: Next Steps

The School will follow the recommendations outlined in the report. Therefore, the following steps will be taken. In addition to the steps recommended in the report, the School has been in the process of planning other initiatives that will help us create an outstanding and exemplary athletic program that is consistent with the values that underpin SMUS life and which, in the words of the School's Mission, will help us to "pursue the excellence in all of us."

1. The School will develop a code of conduct for coaches, players, parents and other spectators of athletics at the School.
2. A process of clarifying expectations for players in our sports program at various levels will be developed, so that players, parents and coaches understand the differences in competitive and recreational programs, especially in the senior grades.
3. We will work to establish the recommended "ombudsman" role or roles, so that there is an avenue for complaints not only in the basketball program but in other areas of school life.
4. As stated or implied in the final recommendation, we will work to create conditions for everyone to move forward in the spirit suggested by the report, respecting its findings. As implied in this recommendation, the School will set up very quickly a reconciliation process to allow those players, parents and coaches who have had significant differences to move forward constructively.
5. The report indicated that there was no abuse of players, and that although there is a need to review the behaviour that distressed some students and could in future lead to similar distress, there was "no proper basis for discipline" of the coaches. Therefore they will continue to coach basketball at the School without interruption according to their usual assignments and the needs of the program.
6. We will undertake an Athletic Review that will build on the review of 2005, and examine the ways in which our program can best serve as wide a range of athletes as possible, providing opportunities for all students to learn the lessons of skill and character that sports can teach, in a program that operates as far as possible across the competitive and recreational spectrum.

7. We will focus considerable professional development work for our staff on coaching skills and practices, supporting all our coaches, as we also support our teachers in the classroom, in their goals of being exemplary professionals at SMUS.

From: Bob Snowden <Bob.Snowden@smus.bc.ca>
To: Bob Snowden <Bob.Snowden@smus.bc.ca>
Sent: Tue, 28 Aug 2012 16:56:47 -0600 (MDT)
Subject: Basketball reconciliation process

Dear Parents, students and coaches;

I am writing with further information about the reconciliation process for the recent basketball issues. The past few months have seen some very difficult emotional trials for everyone involved in the circumstances of the complaints and the various processes around their examination. During this time, I believe that good intentions for both the students and the School were the primary motivation. I talked with students, parents, and staff involved, and I know this to be true. As events became more complicated and concerns became more serious, many things were said and felt that in the end caused or resulted from some deep divisions. It is possible, for very good personal and community reasons, to move forward in a way that affirms our many shared values.

I encourage everyone to consider this possibility as thoughtfully and compassionately as possible. Attached to this email is a message from Ms. Gillian Lindquist, of the Victoria Restorative Justice Society. I have engaged her and her colleagues to conduct a reconciliation process for us in the aftermath of the basketball issues raised in the past few months.

After a number of processes over several months, the Board has accepted the recommendations of John Sanderson, Q.C., which you have all read. The School would now like to move forward in a spirit of reconciliation, acknowledging that this may not be an easy step. We would like to draw on those best impulses that motivated everyone when these issues first emerged, and ask that we all consider carefully the benefits to the School community, and to the students, of moving forward as constructively as possible.

Our Mission states that we are a community, shaped by the pursuit of truth and goodness. Truth and goodness are often clouded by other human strengths and failings, but their pursuit is still worthwhile. Please read the attached message from Gillian Lindquist for next steps.
Bob Snowden

Robert Snowden
Head of School
St. Michaels University School
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Phone 250 592 2411
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Victoria Reconciliation Process Attached Document:

Dear Parents, Students and Staff of St. Michaels University School,

We have been contacted by Robert Snowden of St. Michaels University School to provide support in the aftermath of the issues with the school's basketball program. The events the school community has experienced in the past six months can leave many wondering how to gain closure around what has occurred and move forward in a positive way. It is with these goals in mind that I write this letter to invite you to participate in a reconciliation process through the Victoria Restorative Justice Society.

The Victoria Restorative Justice Society is a not-for-profit organization that provides restorative responses to conflict. We have been in operation for over 10 years and take referrals from local schools, the Victoria Police Department, the Victoria Crown Counsel, judiciary, the Insurance Corporation of British Columbia, the University of Victoria, and members of the community. In the past 10 years we have handled close to 400 cases within the Victoria area.

In our work we use what we refer to as a restorative response, which is different in nature from a punitive or retributive response. The goal of a restorative response is to repair relationships, heal, and move forward in a constructive way. Although the past is explored, it is done with the intention of determining how to best address the future. As appropriate, those involved are encouraged to consider what led to the event occurring, explore personal accountability, and share their hopes and visions for the future. A restorative response is highly grounded in the shared values of the group and is a place where all voices can be heard and respected.

The reconciliation process will be guided by two experienced and professionally trained facilitators from the Victoria Restorative Justice Society. To prepare for the process, the facilitators will call the students, parents, and staff to talk to them directly and explain in detail what the process will entail, the goals and intentions of the process, how they can be involved, and what they can expect from the facilitators. The facilitators will also be asking these individual for their input on matters related to the process, as aspects of the process will be designed in consultation with the students, parents, and staff. These phone calls will take place between September 10th and 20th.

For those who want to attend the process the facilitators will also set up face-to-face meetings in advance to ensure that they have all of the information that they require to participate in a meaningful way.

Once the initial phone conversations and meetings are completed, a date for the reconciliation process will be set. The length of the process will be determined by the number of participants. The date of the process will be determined in consultation with the participants during the initial telephone conversations and meetings.

At a minimum the process will take place over the course of one day, and at most, two weeks. The length of time required will depend on whether participants prefer evening sessions or full day sessions, the number of participants, and the depth and scope of the discussion. The facilitators will select the dates and times that work best for most people. However, there is high likelihood that the dates selected will not work for some. If someone is not able to attend the facilitators will work with them to determine how their voice and perspective can be shared at the process through such things as: writing a statement to be read aloud at the process, attending via conference call, and attending via Skype.

At the reconciliation process those attending may come up with general terms of agreement regarding how they would like their relationships with each other and the school community to look in the aftermath of what has occurred. As appropriate, the facilitators may write up these terms as good faith agreements meant to support the establishment of a healthy school community that has healed and moved on after a difficult and trying experience. These will not be formal agreement terms signed off on by any person. Rather, they will capture the spirit, intention, and values of this specific community as it moves into the future. If this occurs, these general terms will be written up and given to Mr. Snowden to distribute in whatever manner is deemed appropriate by those who attend the reconciliation process.

We look forward to speaking with each of you soon and working with you on this important matter. If you have any questions about the reconciliation process and would like to speak to me directly please call me at one of the numbers provided below.

Warmly,

Gillian Lindquist

Program Coordinator

Victoria Restorative Justice Society

Office: (250) 383-5801

Mobile: (250) 885-7049

www.vrjs.org

Cessford, Sheila EDUC:EX

From: Zacharuk, Christina EDUC:EX
Sent: August 30, 2012 6:38 PM
To: Cessford, Sheila EDUC:EX
Subject: Re: 2012-08-30-Chronology of contact with parents re alleged abusive coaches at St.doc

Thanks Sheila, appreciate the follow up. Yes, let's touch base on Tuesday - agree it would have made sense for us to be involved. I will follow up on that.

Christina

From: Cessford, Sheila EDUC:EX
Sent: Thursday, August 30, 2012 06:28 PM
To: Zacharuk, Christina EDUC:EX
Subject: FW: 2012-08-30-Chronology of contact with parents re alleged abusive coaches at St.doc

Hello Christina:

Please find below the Intake Officer's chronology of communication with respect to this complaint matter (June 7, 2012 through August 30, 2012). The Intake Officer was having ongoing communication with numerous individuals who were trying to determine whether or not to submit a complaint and who would do it.

s.14,s.22

As you are aware, we are undertaking a review of our current process as they have transitioned from the TPA to the TA. We are scheduled to meet with Intake on Tuesday and will be discussing how we manage complaint files vs. school district reports vs. Police Involvement files. We will discuss this case as part of that review.

I look forward to speaking to you more about this.

Sheila

Sheila Cessford
Director, Professional Conduct

Teacher Regulation Branch
Ministry of Education
400 – 2025 West Broadway
Vancouver BC V6J 1Z6

Tel 604-714-3300
Fax 604.731.9145
Email sheila.cessford@gov.bc.ca
Our website is www.bcteacherregulation.ca

This email may contain confidential information which may be privileged and is intended for the exclusive use of the addressee. Any other person is strictly prohibited from disclosing, distributing or reproducing it. If the addressee cannot be reached or is unknown to you, please inform us immediately by telephone or email.

From: Ireland, Jassandra EDUC:EX
Sent: August 30, 2012 4:34 PM
To: Cessford, Sheila EDUC:EX
Subject: 2012-08-30-Chronology of contact with parents re alleged abusive coaches at St.doc

<<2012-08-30-Chronology of contact with parents re alleged abusive coaches at St.doc>>

As you requested.

Jass

From: Bob Snowden <Bob.Snowden@smus.bc.ca>
To: Bob Snowden <Bob.Snowden@smus.bc.ca>
Sent: Tue, 28 Aug 2012 16:56:47 -0600 (MDT)
Subject: Basketball reconciliation process

Dear Parents, students and coaches;

I am writing with further information about the reconciliation process for the recent basketball issues. The past few months have seen some very difficult emotional trials for everyone involved in the circumstances of the complaints and the various processes around their examination. During this time, I believe that good intentions for both the students and the School were the primary motivation. I talked with students, parents, and staff involved, and I know this to be true. As events became more complicated and concerns became more serious, many things were said and felt that in the end caused or resulted from some deep divisions. It is possible, for very good personal and community reasons, to move forward in a way that affirms our many shared values.

I encourage everyone to consider this possibility as thoughtfully and compassionately as possible. Attached to this email is a message from Ms. Gillian Lindquist, of the Victoria Restorative Justice Society. I have engaged her and her colleagues to conduct a reconciliation process for us in the aftermath of the basketball issues raised in the past few months.

After a number of processes over several months, the Board has accepted the recommendations of John Sanderson, Q.C., which you have all read. The School would now like to move forward in a spirit of reconciliation, acknowledging that this may not be an easy step. We would like to draw on those best impulses that motivated everyone when these issues first emerged, and ask that we all consider carefully the benefits to the School community, and to the students, of moving forward as constructively as possible.

Our Mission states that we are a community, shaped by the pursuit of truth and goodness. Truth and goodness are often clouded by other human strengths and failings, but their pursuit is still worthwhile. Please read the attached message from Gillian Lindquist for next steps.
Bob Snowden

Robert Snowden
Head of School
St. Michaels University School
Victoria, BC, Canada V8P 4P5

Phone 250 592 2411
Fax 250 592 2812

email robert.snowden@smus.bc.ca<mailto:robert.snowden@smus.bc.ca>

Visit the SMUS Home Page<<http://www.smus.bc.ca/>> - especially The Head's

Blog<<http://blogs.smus.bc.ca/head/>>

Read the SMUS Weekly<<http://blogs.smus.bc.ca/review/>> for what's happening at the school.

Follow on Twitter: @snowdenrt

The SMUS Vision: To learn, to lead, to serve; discovering the promise in our selves and the world

The SMUS Mission: Our school seeks the excellence in all of us, with passion and compassion. We are a community shaped by the pursuit of truth and goodness, providing outstanding preparation for higher learning and for life.

Victoria Reconciliation Process Attached Document:

Dear Parents, Students and Staff of St. Michaels University School,

We have been contacted by Robert Snowden of St. Michaels University School to provide support in the aftermath of the issues with the school's basketball program. The events the school community has experienced in the past six months can leave many wondering how to gain closure around what has occurred and move forward in a positive way. It is with these goals in mind that I write this letter to invite you to participate in a reconciliation process through the Victoria Restorative Justice Society.

The Victoria Restorative Justice Society is a not-for-profit organization that provides restorative responses to conflict. We have been in operation for over 10 years and take referrals from local schools, the Victoria Police Department, the Victoria Crown Counsel, judiciary, the Insurance Corporation of British Columbia, the University of Victoria, and members of the community. In the past 10 years we have handled close to 400 cases within the Victoria area.

In our work we use what we refer to as a restorative response, which is different in nature from a punitive or retributive response. The goal of a restorative response is to repair relationships, heal, and move forward in a constructive way. Although the past is explored, it is done with the intention of determining how to best address the future. As appropriate, those involved are encouraged to consider what led to the event occurring, explore personal accountability, and share their hopes and visions for the future. A restorative response is highly grounded in the shared values of the group and is a place where all voices can be heard and respected.

The reconciliation process will be guided by two experienced and professionally trained facilitators from the Victoria Restorative Justice Society. To prepare for the process, the facilitators will call the students, parents, and staff to talk to them directly and explain in detail what the process will entail, the goals and intentions of the process, how they can be involved, and what they can expect from the facilitators. The facilitators will also be asking these individual for their input on matters related to the process, as aspects of the process will be designed in consultation with the students, parents, and staff. These phone calls will take place between September 10th and 20th.

For those who want to attend the process the facilitators will also set up face-to-face meetings in advance to ensure that they have all of the information that they require to participate in a meaningful way.

Once the initial phone conversations and meetings are completed, a date for the reconciliation process will be set. The length of the process will be determined by the number of participants. The date of the process will be determined in consultation with the participants during the initial telephone conversations and meetings.

At a minimum the process will take place over the course of one day, and at most, two weeks. The length of time required will depend on whether participants prefer evening sessions or full day sessions, the number of participants, and the depth and scope of the discussion. The facilitators will select the dates and times that work best for most people. However, there is high likelihood that the dates selected will not work for some. If someone is not able to attend the facilitators will work with them to determine how their voice and perspective can be shared at the process through such things as: writing a statement to be read aloud at the process, attending via conference call, and attending via Skype.

At the reconciliation process those attending may come up with general terms of agreement regarding how they would like their relationships with each other and the school community to look in the aftermath of what has occurred. As appropriate, the facilitators may write up these terms as good faith agreements meant to support the establishment of a healthy school community that has healed and moved on after a difficult and trying experience. These will not be formal agreement terms signed off on by any person. Rather, they will capture the spirit, intention, and values of this specific community as it moves into the future. If this occurs, these general terms will be written up and given to Mr. Snowden to distribute in whatever manner is deemed appropriate by those who attend the reconciliation process.

We look forward to speaking with each of you soon and working with you on this important matter. If you have any questions about the reconciliation process and would like to speak to me directly please call me at one of the numbers provided below.

Warmly,

Gillian Lindquist


Program Coordinator

Victoria Restorative Justice Society

Office: (250) 383-5801

Mobile: (250) 885-7049

www.vrjs.org



Monday, October 29th, 2012

Dear Parents,

Your child has expressed interest in potentially playing on the 2012-2013 SMUS senior boys basketball team. We are excited for the upcoming season and strongly believe in the role that sports plays in the development of the whole student. Our athletic programs strive to build values such as respect, compassion, courage and resiliency in an environment that demands commitment, and which will allow for one's character and confidence to grow.

I am pleased to announce that Mr. Ian Hyde-Lay will be the Head Coach of the senior team this season. He has enlisted the assistance of Zac Andrus (Vikes grad 2012) to be part of the coaching team.

This year's team will be competitive, with a large number of athletes set to tryout. As such, it is important to clearly outline the expectations and tryout process for all prospective team members, before the season begins.

TEAM EXPECTATIONS


The senior basketball program requires a high level of commitment. The team will be expected to train/play, 5 to 6 times per week, between the start of November, 2012 and the middle of March, 2013. This period will include a significant amount of weekend and holiday time. The tournament and holiday schedules are included in this package. All successful team members are expected to commit to the entire schedule as outlined.

PLAYING TIME

The senior basketball program is competitive. As such, it will not be an 'equal playing time' operation. Coaches will look for every opportunity to get all students involved in the games. However, this will need to be balanced with the goals and the overall success of the team. All athletes are afforded the same opportunities at practices and extra training sessions, to improve upon their skills and fitness. We encourage all athletes to take advantage of these opportunities.

TRYOUT PROCESS

- Tryouts will begin the week of Monday, November 5th
- Final selections will be determined by Monday, November 19th
- Over the course of the two-week tryout period, athletes will be evaluated on skills, team play and fitness levels.
- Fitness Standards – By November 19th, 2012, all athletes must have attained a mandated score on a repeat 150 m shuttle test. Standards will be set by



playing positions and athletes will have several opportunities to achieve the standard.

- “A” Team selections will be finalized by a committee, including the coaches and others involved in the SMUS Athletic Program.
- A minimum of 10 and a maximum of 12 players will be selected for the “A” team.
- If numbers and interest remain high over the duration of the tryout period, a second senior team could be established, who would train with a separate coach and would play an abridged season.

COMMUNICATION

Coaches will clearly communicate schedules, trip details and any other information in a timely fashion. It is the responsibility of the athlete to communicate in a timely fashion with the coach any challenges with their schedule, or limitations due to injury.

If an athlete, or parent, has any concerns with the program, please follow the procedure outlined below:

1. The athlete must first speak with the coach about their concern.
2. If the situation is a parent concern, please set up an appointment directly with the coach.
3. Approaching a coach immediately before or after a game or practice to discuss concerns is inappropriate, as these can be inopportune times for all parties. In addition, although email may be a convenient communication method, sometimes, concerns can be lost in translation, and unintended nuances can be unproductive to an efficient resolution. Therefore, parent-coach meetings must be in person.
4. If a resolution is not reached after meeting with the coach, parents can organize a meeting with the Director of Athletics to discuss the situation.
5. If the situation remains unresolved after a meeting with the Director of Athletics, parents can then organize a meeting with the Director of the Senior School to discuss the situation.

This season promises to be exciting and we look forward to welcoming your child for tryouts in the days ahead.

Sincerely,

Lindsay Brooke
Director of Athletics
(250) 370-6131
lindsay.brooke@smus.ca

Memorandum

Ministry of Education
Teacher Regulation Branch
Mailing Address:
400-2025 West Broadway
Vancouver BC V6J 1Z6
Tel: 604 731-8170
Toll Free: 1 800 555-3684

Date: November 1, 2012

From: **Jassandra Ireland**
Intake Officer

To: Elena Miller, Interim Commissioner

Re: **SMUS Complaints**

On October 30, 2012, you asked Intake to undertake a further review of the SMUS Complaints with respect to the following issues:

- The Complaint essence
- Corroborated information (i.e. coach throwing chair at game)
- Signed student statements
- Specific events and the basis of knowledge of the event
- Team manager information

I have reviewed the files and found and tagged information for you. I was not able to find any corroboration of the alleged chair throwing incident but this could be confirmed because the coach in question is alleged to have been removed from the game as a penalty for throwing the chair.

I could find no signed student statements but did find a statement signed by a set of parents.

There is detailed information about specific events but the basis of knowledge of those events is often second or third hand information.

From: [Cessford, Sheila EDUC:EX](#)
To: [In, Winson EDUC:EX](#)
Cc: [Preston, Bruce EDUC:EX](#); [Zacharuk, Christina EDUC:EX](#)
Subject: Re: SMUS / SNOWDEN
Date: December 4, 2012 3:59:46 PM

Hello Winson:
Please print for file.

s.22

Mr. Snowden called me at 0907 hours and again at 1010 hours this date. His contact information is
He stated that he received two letters from the Branch with respect to the complaint and the commissioner's ordered investigation. He asked questions regarding what he could expect and advised that several processes had already been undertaken at the school level. I explained TRB processes and the fact that a contract independent investigator was in the process of being hired in order to expedite the process. I confirmed that his information and any other information gathered in other investigative processes were important to the commissioner's investigation and that the investigator would be contacting him soon. I advised that he could expect a letter identifying the assigned investigator. I further advised that at the conclusion of the investigation he would be provided a copy of the investigation report for his review and further response. Mr. Snowden was told that he could contact the Branch again if he had any questions regarding the status of this matter. The call concluded after 11 minutes.

Sheila

Sheila Cessford
Director, Professional Conduct
Teacher Regulation Branch
Ministry of Education
400 – 2025 West Broadway
Vancouver BC V6J 1Z6
Tel 604-714-3300
Fax 604.731.9145
Email sheila.cessford@gov.bc.ca

Our website is www.bcteacherregulation.ca

This email may contain confidential information which may be privileged and is intended for the exclusive use of the addressee. Any other person is strictly prohibited from disclosing, distributing or reproducing it. If the addressee cannot be reached or is unknown to you, please inform us immediately by telephone or email.

Office of the Ombudsman Independent Schools Association of BC

June 25, 2012

On June 7, 2012 I was requested by St. Michaels University School (SMUS) to inquire into concerns raised regarding the coaching of the boys junior and senior basketball teams and the girls senior basketball team.

The allegations are that the coaches of these teams have repeatedly verbally and emotionally abused their student players causing them emotional damage, loss of self-esteem and confidence with resulting health issues. The alleged conduct is described as negative coaching, including name calling, humiliation, preferential treatment, and personal insults directed at, and in the presence of, the student players, all delivered with much swearing. This conduct is said to have taken place over many years, in games, and practices, which are public places, giving the opportunity for many witnesses to observe the conduct of the coaches and therefore to confirm or deny any such emotional abuse. The conduct is said to have been a consistent pattern and not isolated incidents.

For the above purposes, I received and read hundreds of pages of material. This material included statements and emails from past and current parents and students, teachers, faculty and administration, coaches, outsiders and school codes of conduct and personnel policies.

The complainants have throughout this process insisted on confidentiality and anonymity. They are afraid that if their identities are known, reprisals will follow. As part of this confidentiality, the complainants have insisted that details of the allegations be withheld from everyone except the Board Chair, the Headmaster and me, where providing such details would tend to identify the student player involved. Before I became involved, the school had agreed to these limitations, which has created its own consequences.

The complainants are, s.22
s.22

Having received and read the significant body of material referred to above, I met with the following :
s.22

The written material included comprehensive histories and details regarding the allegations of emotional abuse.

I also viewed a video of a coach at a game, taken by s.22

Although the vast majority of the complaints related to emotional abuse, there were allegations of a few isolated incidents of physical, but not sexual, abuse. These specific allegations were referred to the Saanich Police by s.22

In my discussions with Constable Grenier, he advised that following his own investigation of these allegations of physical abuse, he concluded the essential elements of a criminal act had not been established, and he closed his file. Notwithstanding the parents' requests for confidentiality and anonymity, they say that certain students have drawn their own conclusions as to the students' identities, and as a result have engaged in bullying in an effort to protect the coaches. These allegations of peer harassment were also referred to the police by s.22

s.22 Constable Grenier has advised that following his own investigation, he has similarly concluded that these allegations of peer bullying have not established the essential elements of a criminal act, and he is not pursuing that complaint.

Maintaining the requested anonymity and confidentiality, I specifically questioned s.22

s.22

The coaches do admit their styles of coaching are intense, that they are demanding and push their players to perform to their potential. They perceive the level of basketball to be played at SMUS to be highly competitive with a view to success in games. They say such a philosophy demands coaching intensity, and a dedication and commitment by the students to this goal. The coaches, who also fulfill teaching positions, devote a significant amount of their professional and personal time to coaching. They do not begrudge this extra time and effort as it is their view it is only with such a commitment that SMUS can have a successful competitive basketball team, and develop the players' skills to allow them to potentially advance to college basketball teams. They say to play at such a level requires certain sacrifices on the part of the students. In order to achieve these goals, the students must also make a significant commitment of time and energy to the SMUS basketball team. This may include foregoing other activities where they interfere with the Basketball Program.

Part of the material and information I received was a substantial body of letters, e-mails and interview statements received from present and past players, co-coaches and opposing coaches. While each one expressed their individual views, the collective message was clear. They denied seeing any such pattern of ongoing consistent negative, abusive coaching. To the contrary, they extolled the skills, talents and coaching style of all three coaches in superlative terms. Many said they were the best coaches they ever had. Notwithstanding, the coaches have all agreed to participate in coaching professional development.

The complainants say that they and others in the SMUS community have had these concerns for years. They say they have not expressed these concerns for fear of reprisals. As one complainant put it, this has been "an openly held secret" for a long time. It is regrettable that long held views were never clearly expressed, as that has also contributed to the escalation of tensions and the division in the community.

The two sides present very different pictures. In the face of these obvious conflicts, it would be impossible, without a protracted and damaging adversarial process, to hear the evidence of each party, and to assess their credibility.

All sides have requested that this inquiry be concluded expeditiously as the school year end is quickly approaching. That time restriction has also placed limitations on the scope of this inquiry. As a result, I am simply not able to prefer one side's statements over the other. No doubt, this will lead to frustration on the part of the complainants, but there is no alternate conclusion that can reasonably and safely be drawn.

While it would be ideal to be able to make clear findings of fact, it is simply not possible in these circumstances.

The complainants urge that despite the clearly conflicting positions, I simply accept the complainants' allegations without question. I am mindful if the allegations of emotional abuse were accepted, these students have suffered. On the other hand I am also mindful that the jobs, careers, and reputations of the coaches are at stake, and could be destroyed if the allegations are accepted. So to adopt the approach advocated by the complainants, that I simply accept their allegations at face value, would, in my opinion, be reckless, unwarranted, and I decline to do so.

As a result of these inquiries, I have, however, noted two areas of procedural concern: the handling of the student complaints from the student perspective, and the processing of that complaint as it impacts on the coaches.

The SMUS Personnel Policy, last updated in 2007, sets out a specific process for handling a student complaint. That process, set out at pages 28 - 30 of the Policy, copy attached, allows for an informal or formal process with certain time frames for resolution. That Policy also allows the procedures to be modified in specific instances, as is reasonably necessary. From the perspective of all involved, the procedure in this matter has been protracted well beyond the stipulated time frames. The Headmaster advises it was modified by necessity due to the confidentiality and anonymity limitations imposed by the complainants

The Policy at page 17, copy attached, relating to student welfare, allows the head of school, if of the opinion that an employee threatens the welfare of a student, to suspend that employee, **following due process** [emphasis mine]. This right to due process is repeated at page 26, copy attached. In this case, that process would have included the coaches knowing the specific allegations made against them, and the identities of the complainants. s.22

s.22

s.22

s.22

In my opinion, the

coaches have been denied the fundamental right of due process here.

As a result of the above process, or more specifically, lack of process and resolution, I understand the SMUS basketball community and possibly the SMUS community at large, has become more polarized, further exacerbating tensions among the various parties.

Due to the divergent and conflicting views, a solution that tries to fix responsibility or blame will likely be unsuccessful. It is my opinion, the issues of the past or present will not be resolved. The path to a more harmonious future in the basketball program is within the control of the SMUS community. This problem is a SMUS community problem, and will require the SMUS community to work together to solve it.

As Ombudsman of the ISA, I cannot direct a school on how to handle an issue. I can only make inquiries and recommendations.

With the following recommendations, the best current practices in high school coaching can be implemented, and a more clearly understood basketball vision can be established, including a clearly understood Code of Conduct. It is my opinion and hope that if these steps are taken, the SMUS community will re unite in its approach to its basketball program.

Recommendations:

I make the following recommendations, taking into account the basketball season starts in November.

1. By September 1.2012 SMUS should engage an independent expert in coaching to provide all SMUS coaches, including basketball, an in depth, intensive professional development program to demonstrate and implement best current practices in high school coaching. This program should be completed by September 15.2012.
2. Using the Hinton Chair Endowment, SMUS should hire for the coming school year, a coach of proven and recognized excellence to demonstrate and implement best current practices in high school coaching and to spread his or her influence among the other coaches.
3. By September 30.2012 with stakeholder input, SMUS should develop a shared vision for its basketball program. Although an Athletic Programme Review was conducted in 2005, I recommend it be updated regarding the basketball program. I have observed that the various parties with whom I spoke do not have a shared vision of what the basketball program should be. The expectations and requirements for a highly competitive, successful basketball program will differ substantially from those of a more relaxed, less competitive, intramural, basketball program. The intensity of the coaching, the demands on the players in terms of time, dedication and commitment, will differ. If feasible, and numbers permit, an alternative, intramural, basketball program should be developed to allow participation in the basketball program, but at a more relaxed pace, with less commitment required.
4. By September 30.2012 SMUS should develop a Basketball Code of Conduct taking into account the vision statement to be developed above. This Basketball Code of Conduct should be written, and signed each season by coaches, players, and parents, outlining the expectations

for participation in the chosen level of the SMUS Basketball program. In that fashion, all three participants clearly agree on the expectations of coaching, playing, and parenting at that level, and that breaches of the agreed Code of Conduct by coaches, players or parents will result in consequences.

5. With the implementation of the above professional development in coaching skills, an agreed basketball vision statement, and a tri-party Code of Conduct, I recommend the three coaches continue in their present coaching roles.
6. To ensure accountability, I recommend that in the Spring of 2013 a review be undertaken by the Headmaster to determine the extent to which the three coaches have complied with the new basketball vision statement and Code of Conduct. Any party who has been involved in the 2012-2013 basketball season can make written submissions to the Headmaster by March 30, 2013. The Headmaster's review should be concluded by April 15, 2013 with a written report to be delivered to the coaches, and to those who made submissions to the Headmaster.
7. The above recommendations and time frames will not satisfy everyone, but are intended to implement a new, clearer set of expectations, created by the SMUS community, with accountability, to ensure these new SMUS community expectations are met, and that consequences will follow if they are not met.
8. SMUS should review its bullying and harassment policy, which is presently general in nature, to provide greater clarity on what constitutes unacceptable behaviour.
9. The Complaint Process: Despite assurances given from schools, the parent /student reality is that complaints made against faculty, coaches or the school may result in reprisals. Ideally, complaints would be made in accordance with the Parents' Handbook, page 3, copy attached, in the first instance directly to the staff member involved, and immediately following the event. Open and clear communication between those two parties, or as escalated to superiors, will hopefully resolve most issues. I recognize, however, that there will be issues that are more sensitive, such as allegations of abuse, that need to be addressed in a less direct fashion. I therefore recommend that a position be created at SMUS that can receive and process such complaints with a view to bringing together the two concerned parties for a resolution of the issues. Such a position would require a combination of confidentiality, respect and compassion. I recommend the community consider a person such as the School Chaplain to fill this role.
10. Ultimately, however, if there is to be a mutually agreeable resolution, the parties to the dispute will have to openly state their concerns and openly communicate in good faith to achieve a resolution. If such an approach is unsuccessful, the parties can revert to the formal procedure outlined in the Policy with its fixed time lines. I recommend that any deviation from that stated Policy should occur infrequently, and in such instances, should be documented by the school outlining the basis for the formal process not being followed.
11. Should any of the parties request my further involvement in the review process in 2013, I can be available to assist.

In closing, I express my hopes that in working collaboratively, the community will develop and implement a new common set of expectations to enhance the basketball experience for all concerned, and avoid a protracted, and deeply divisive, adversarial process.



Robert J. Ellis
Ombudsman,
Independent Schools Association of BC

Attachments :

1. SMUS Personnel Policy pages 17. 26-30
2. Parents' Handbook, page 3

December 14, 2012

CONFIDENTIAL

Mr William Ard
William Ard Investigation Services
20586 93A Avenue
Langley BC V1M 1Z1

Dear Mr Ard:

Re: Contract Investigations

This letter confirms that the Commissioner for Teacher Regulation in the Province of British Columbia has retained you to conduct investigations into complaints regarding the conduct of the following persons:

s.22

This investigation is carried out pursuant to the provisions of the *Teachers Act*, SBC 2011, Ch. 19.

Yours truly,

Hon. Bruce M. Preston
Commissioner

BP:wi

December 18, 2012

CONFIDENTIAL

Mr Robert Snowden
3400 Richmond Road
Victoria BC V8P4P5

Dear Mr Snowden:

Re: Our File N° L195407-01

I am writing further to the Branch's correspondence of November 28, 2012 to advise that further handling of this matter has been assigned to William Ard, a contract investigator retained by the Teacher Regulation Branch.

Mr Ard will assume conduct of this case effective immediately. You may contact him at 604-831-3048, or by email at bill.ard@shaw.ca.

Any inquiries regarding the progress of this investigation may be directed to Mr Ard.

Yours truly

Katarina Hodak
Investigator

KH:wfs

CC Mr William Ard

Page 03 to/à Page 07

Withheld pursuant to/removed as

s.14

Office of the Ombudsman Independent Schools Association of BC

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s.22

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In my opinion, the

coaches have been denied the fundamental right of due process here.

As a result of the above process, or more specifically, lack of process and resolution, I understand the SMUS basketball community and possibly the SMUS community at large, has become more polarized, further exacerbating tensions among the various parties.

Due to the divergent and conflicting views, a solution that tries to fix responsibility or blame will likely be unsuccessful. It is my opinion, the issues of the past or present will not be resolved. The path to a more harmonious future in the basketball program is within the control of the SMUS community. This problem is a SMUS community problem, and will require the SMUS community to work together to solve it.

As Ombudsman of the ISA, I cannot direct a school on how to handle an issue. I can only make inquiries and recommendations.

With the following recommendations, the best current practices in high school coaching can be implemented, and a more clearly understood basketball vision can be established, including a clearly understood Code of Conduct. It is my opinion and hope that if these steps are taken, the SMUS community will reunite in its approach to its basketball program.

Recommendations:

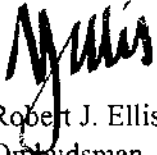
I make the following recommendations, taking into account the basketball season starts in November.

1. By September 1, 2012 SMUS should engage an independent expert in coaching to provide all SMUS coaches, including basketball, an in depth, intensive professional development program to demonstrate and implement best current practices in high school coaching. This program should be completed by September 15, 2012.
2. Using the Hinton Chair Endowment, SMUS should hire for the coming school year, a coach of proven and recognized excellence to demonstrate and implement best current practices in high school coaching and to spread his or her influence among the other coaches.
3. By September 30, 2012 with stakeholder input, SMUS should develop a shared vision for its basketball program. Although an Athletic Programme Review was conducted in 2005, I recommend it be updated regarding the basketball program. I have observed that the various parties with whom I spoke do not have a shared vision of what the basketball program should be. The expectations and requirements for a highly competitive, successful basketball program will differ substantially from those of a more relaxed, less competitive, intramural, basketball program. The intensity of the coaching, the demands on the players in terms of time, dedication and commitment, will differ. If feasible, and numbers permit, an alternative, intramural, basketball program should be developed to allow participation in the basketball program, but at a more relaxed pace, with less commitment required.
4. By September 30, 2012 SMUS should develop a Basketball Code of Conduct taking into account the vision statement to be developed above. This Basketball Code of Conduct should be written, and signed each season by coaches, players, and parents, outlining the expectations

for participation in the chosen level of the SMUS Basketball program. In that fashion, all three participants clearly agree on the expectations of coaching, playing, and parenting at that level, and that breaches of the agreed Code of Conduct by coaches, players or parents will result in consequences.

5. With the implementation of the above professional development in coaching skills, an agreed basketball vision statement, and a tri-party Code of Conduct, I recommend the three coaches continue in their present coaching roles.
6. To ensure accountability, I recommend that in the Spring of 2013 a review be undertaken by the Headmaster to determine the extent to which the three coaches have complied with the new basketball vision statement and Code of Conduct. Any party who has been involved in the 2012-2013 basketball season can make written submissions to the Headmaster by March 30, 2013. The Headmaster's review should be concluded by April 15, 2013 with a written report to be delivered to the coaches, and to those who made submissions to the Headmaster.
7. The above recommendations and time frames will not satisfy everyone, but are intended to implement a new, clearer set of expectations, created by the SMUS community, with accountability, to ensure these new SMUS community expectations are met, and that consequences will follow if they are not met.
8. SMUS should review its bullying and harassment policy, which is presently general in nature, to provide greater clarity on what constitutes unacceptable behaviour.
9. The Complaint Process: Despite assurances given from schools, the parent /student reality is that complaints made against faculty, coaches or the school may result in reprisals. Ideally, complaints would be made in accordance with the Parents' Handbook, page 3, copy attached, in the first instance directly to the staff member involved, and immediately following the event. Open and clear communication between those two parties, or as escalated to superiors, will hopefully resolve most issues. I recognize, however, that there will be issues that are more sensitive, such as allegations of abuse, that need to be addressed in a less direct fashion. I therefore recommend that a position be created at SMUS that can receive and process such complaints with a view to bringing together the two concerned parties for a resolution of the issues. Such a position would require a combination of confidentiality, respect and compassion. I recommend the community consider a person such as the School Chaplain to fill this role.
10. Ultimately, however, if there is to be a mutually agreeable resolution, the parties to the dispute will have to openly state their concerns and openly communicate in good faith to achieve a resolution. If such an approach is unsuccessful, the parties can revert to the formal procedure outlined in the Policy with its fixed time lines. I recommend that any deviation from that stated Policy should occur infrequently, and in such instances, should be documented by the school outlining the basis for the formal process not being followed.
11. Should any of the parties request my further involvement in the review process in 2013, I can be available to assist.

In closing, I express my hopes that in working collaboratively, the community will develop and implement a new common set of expectations to enhance the basketball experience for all concerned, and avoid a protracted, and deeply divisive, adversarial process.



Robert J. Ellis
Ombudsman,
Independent Schools Association of BC

Attachments :

1. SMUS Personnel Policy pages 17, 26-30
2. Parents' Handbook, page 3



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- Letter outlining specific concerns will be sent to employee;
- Meeting will be arranged with the Head of School to outline expectations, and give advice on assistance available to the employee in order to improve performance. Probationary time frame will be determined. This must be followed up with a performance review. The employee must be given a chance to improve, and at this stage, dismissal would not be the only course of action;
- Head of School finalizes termination and ensures for communication to appropriate parties.

Procedure of Faculty Dismissal

Should there be need to make changes among faculty members, the Head of School will work closely with the Directors of the Campuses and with Heads of Departments in following a due process:

- An evaluation of the faculty member in question will occur. This will include a presentation of facts made by the Director. The employee has the option of bringing a representative to the meeting. Faculty members will be given thorough feedback and every effort will be made by the School to help the teacher meet the required standards.
- Further evaluative follow-up and feedback will occur as required.
- If work performance is not improved then a second evaluative follow-up will occur and remedial advice will be given and documented.
- If, after remedial advice and the appropriate time for improvement has been given to the teacher, there is insufficient evidence of improvement, then he or she will not be rehired. The Head of School will inform the teacher of this decision before the end of the second term.
- New teachers will be evaluated in the first term and be subject to the same process as described above. If the probationary period is not up to standard, then the new teacher will not be rehired for the following year; if more time is required to assess the new teacher, then a second probationary year will be used and the process employed again.

Procedure for Dismissal and/or Discipline – Student Welfare

If the Head of School is of the opinion that an employee threatens the welfare of a student, he or she will suspend the employee. Action by the Head of School is not dependent upon criminal charges being laid or criminal conduct having occurred.

A suspended employee has the right to appeal the suspension to the Chair of the Board whose decision will be final. The Chair may refer the appeal to the Review Committee for advice.

If criminal charges are laid, the Head of School will suspend the teacher pending investigation.

At any time, the Head of School may consider the elicited facts of the investigation and take appropriate actions including dismissal, following due process.

Notification Requirements

When the Head of School grants leave, suspends, disciplines, or dismisses an employee, the Head of School shall notify the members of the Board of Governors. It is the responsibility of the Head of School to notify the SMUS faculty and staff of his actions as soon as possible.



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Employees Right to Due Process

Employees shall have a right to due process, and to be treated with fairness and respect. Any allegation of poor performance has to be substantiated. Facts must be obtained and verified. All information will be thoroughly reviewed and analyzed prior to proceeding with corrective discipline.

Process of Corrective Discipline

- **Verbal** - The Director initiates an evaluation of the employee in question. A meeting is arranged in an effort to bring forward the concerns and resolve the situation. Every effort will be made in confidence by the School to help the employee meet the standards. A follow-up meeting may be arranged to allow for feedback.
- **Written** - If performance does not improve, further evaluative and written feedback follows within a reasonable period depending on the circumstances. Remedial advice will be given to the employee. At this stage, the Director and/or the employee to assist the process may introduce a third party.

It is necessary at this stage for the Director to point out that the employee may face the following steps:

- **Suspension** - It must be recognized that suspension is considered useful in the area of performance improvement.
- **Demotion** - For persistent problems of a serious nature, employees will be demoted if a suitable position exists.
- **Dismissal** - For persistent problems of a serious nature for which demotion is not suitable, employees will be dismissed.

Documentation/Contract Renewal

Contract renewal and continued employment is based on performance. Any misconduct will have a direct result in the consideration of the employee's contract renewal and continued employment. Any disciplinary action, and the consequences of this must be noted on the employee's personnel file and addressed at the performance review.



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Sexual and Personal Harassment

A Policy Guideline Against Harassment and Offensive Behaviour in the Workplace and School Community

Policy Guideline Statement

It is the policy of St. Michael's University School to maintain a respectful work and School environment. SMUS prohibits and will not tolerate harassment or offensive behaviour by or towards any employee or any member of the St. Michael's University School community.

Sexual Harassment

Sexual harassment consists of a wide range of unwanted and unwelcome sexually directed behaviour. The following are examples:

- 1 When the obligation to submit to unwanted sexual conduct, explicitly or implicitly, is a condition of an individual's employment, educational progress, or access to School services;
- 2 When submission to or rejection of such conduct is used as the basis for a decision concerning employment, academics, or School service decision.
- 3 When such conduct has the purpose or result of interfering reasonably with an individual's work or academic performance, or of creating an intimidating, hostile or offensive School environment.

Behaviour prohibited by this policy can include unwelcome sexual remarks or compliments, sexual jokes, sexual innuendos or propositions, sexually suggestive facial expressions, kissing, touching and sexual contact.

Personal Harassment

Another type of harassment or offensive behaviour is *personal harassment* which is defined as objectionable conduct or comments, directed towards a person, which have the effect of creating an intimidating, humiliating, hostile, or offensive School environment. It serves to demean, belittle, or intimidate individuals or cause personal humiliation.

Examples of personal harassment may include:

- Poisoning the work environment by:
 - Threats, bullying, coercion
 - Actual or threatened physical assault
 - Verbal assault, taunting, or ostracizing
 - Malicious gestures or actions
- Discrimination:
 - Any objectionable or unwelcome conduct or comments in respect to:
 - Race
 - Colour
 - Ancestry
 - Family status



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- Place of origin
- Political belief
- Gender
- Religion
- Non-employment related criminal conviction
- Age
- Physical or mental disability
- Sexual orientation
- Marital status

Reporting of Harassment Behaviour

Any person who feels he or she is being subjected to harassment or offensive behaviour of any kind should feel free to object and shall also report the behaviour to their Supervisor, Director, or Head of School. Students should feel free to report the behaviour to a teacher, School Director or the Head of School. Any Supervisor/teacher who receives a complaint of discriminatory, violent or offensive behaviour or who has reason to believe that such behaviour is occurring, shall report these concerns to their Director or to the Head of School.

Investigation

All complaints of harassment or offensive behaviour will be investigated promptly, fairly, and completely. The facts shall determine the response to each complaint. Each situation will be handled as discretely as possible. During investigation, if suspension is deemed warranted, it will be with pay. Resolution of complaints can include, but not necessarily be limited to, an apology, transfer, direction to stop the offensive behaviour, counselling or training, verbal or written warning, suspension with or without pay, or dismissal. In the event that harassment or offensive behaviour reoccurs, it should be reported immediately to their Director or to the Head of School.

Reporting of Harassment Complaints

Informal Process

Any person who believes that he/she has been harassed or sexually harassed may submit to the School Director or the Head of School, either in oral or written form, a complaint alleging sexual harassment or harassment.

Initiating the Complaint

Informal complaints may be initiated by third parties but will not proceed through the informal process without the consent of the person or person alleged to have been harassed or sexually harassed.

When a complaint is made, the person about whom the complaint is being made will be informed of the complaint, who is lodging the complaint and the specific details of the complaint.

Informal Resolution

Upon receipt of the complaint, the Director or Head of School will attempt to resolve the complaint through any means he/she deems appropriate in the particular circumstances of the complaint,



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including mediation.

Time Limit to Resolve the Complaint

The Director or Head of School will normally have one week within which to attempt to resolve the complaint.

Formal Process

If either the respondent or complainant does not wish to proceed through the informal process, or if the Director or Head of School is unable to satisfactorily resolve the complaint, the Director or Head of School will direct the parties to the formal process.

Individuals who wish to file a formal complaint will first consult with the Head of School who will inform them of their options according to these guidelines.

Formal Complaint Must Be in Writing

Any formal complaint must be made available in writing to the Head of School when it has been determined that the informal process has been unsuccessful. Within three working days, the written complaint will be delivered to the alleged harasser by registered mail.

Independent Fact-Finder Appointed

Upon receipt of a formal written complaint, the Head of School may appoint a suitable and independent fact-finder, or fact-finders, to meet with the two involved parties, and other relevant informants, and the fact-finder, or fact-finders will be asked to prepare a report which may contain findings of fact and recommendations for the Head of School, normally within two weeks.

Head of School to Review Findings

Upon receipt of this report, the Head of School will review the findings, implications of the findings of the investigations, and recommendations, and will take appropriate action. Such action may include preventive, remedial, or disciplinary measures. The range of actions may extend from full exoneration to dismissal.

Inquiries Directed to Head of School

All inquiries from individuals other than the involved parties concerning any harassment complaint or related matters must be directed to the Head of School.

Notification of the Board

Alleged incidents of a potentially serious nature and all disciplinary actions will be reported by the Head of School to the Chair of the Board of Directors, who will, in turn, appropriately inform members of the Board.



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Records

All records relating to harassment complaints will be maintained in strict confidence, in a secure place in accordance with suitable administrative procedures.

The application of these procedures may be modified in specific instances, as is reasonably necessary

Procedures for the Handling of Harassment Complaints

Sexual Harassment of a Student Must be Reported

Comments or conduct of a sexual nature by an adult toward a student, if deemed sexual harassment, will be responded to under the "SMUS Policies of the Prevention of Child Abuse and Handling of Child Abuse Allegations". Law requires incidents of physical or sexual abuse must be reported to the Ministry of Social Services (see Part V of the "SMUS Policies on the Prevention of Child Abuse and Handling of Child Abuse Allegations").

Dissemination of Policies

These written policies will be provided to all new Board Members, staff and faculty upon confirmation of their election, appointment or hiring (as the case may be), and to parents upon acceptance of their child into the School.

Role of the Management Team

It is the role of the Management Team to assist SMUS in meeting the goals of this policy: to ensure that complaints are resolved as expeditiously as possible and to promote public education including development and provision of compulsory orientation sessions for all personnel. Harassment procedures will be clarified on an annual basis.

Management Team Will Keep Records of Complaints

The Management Team will keep records of the complaints and outcomes, and will submit an overall summary report, (i.e. without person identifiers) to the Chair of the Board of Directors on an annual basis.

It is recognized that making a formal complaint in matters of harassment may be traumatic. Persons are encouraged to seek support from a trusted friend, adult, or the School counsellor before approaching the Director, if they so wish.

The Rights of All Parties

The Head of School will advise all parties that nothing in the SMUS procedures bars the parties from claiming their rights under other procedures available at law at any time.

Consultation with a Director

A person who believes that she/he has a complaint of harassment or sexual harassment may seek the confidential advice of the appropriate Director, or the Head of School, if appropriate.

School Bus

The school offers morning and afternoon school bus pick-up and drop-off daily, starting Thursday, September 8, 2011. These routes are provided for your convenience at a very reasonable cost and cover a wide range of areas, from Langford to North Saanich and points in between. Students can ride the bus using their student cards, which are scanned each time they board the bus and the cost is charged to their student account.

You may access our up-to-date busing information, including schedule, route and pricing information, on the school website at www.smus.ca/services/transportation. As we try to accommodate all of our ridership, changes in the route structure will be made over the summer, according to demand. If you have any routes you'd like us to consider, questions or comments please contact our Transportation department at 250-370-6150 or email sharon.comeau@smus.ca.

Please note that all bus route times are subject to change due to road and weather conditions.

SMUS Community Service Program

The Community Service program has a core goal of making a difference by improving the quality of life and the environment in our local and global communities. We aim to foster a culture of service, citizenship and responsibility in all members of the SMUS community.

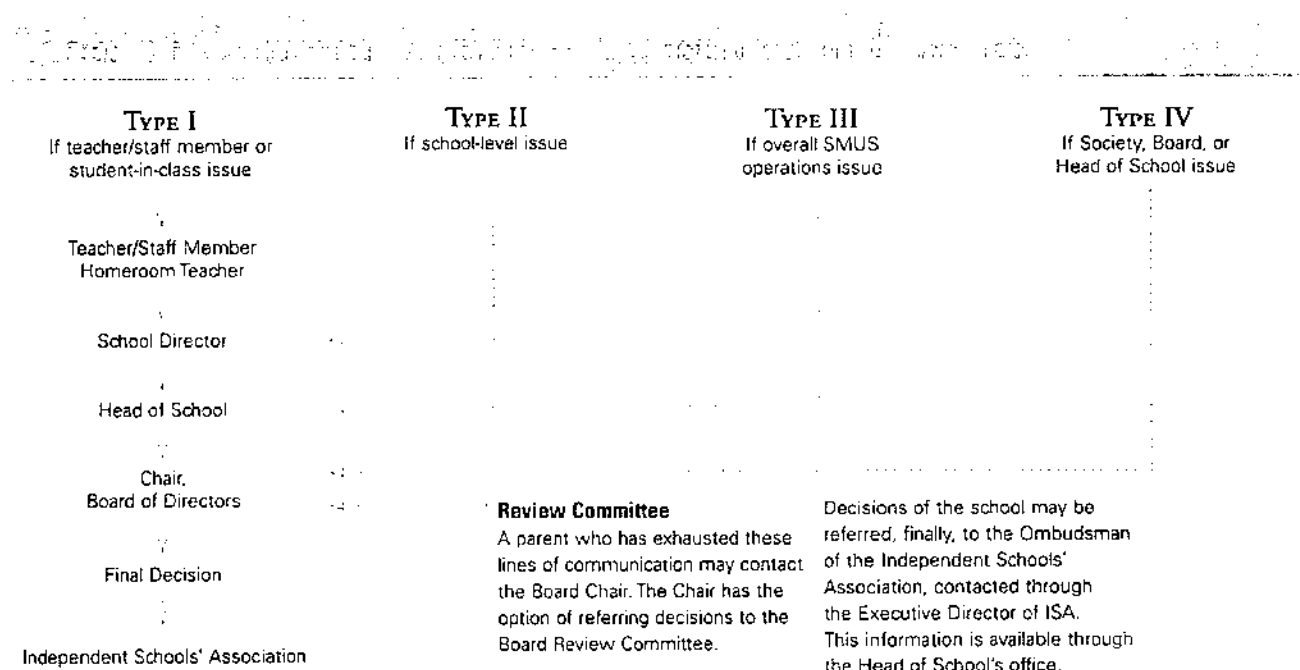
At the Senior School, there is a heightened expectation of both student and staff involvement during the course of the school year. The range of activities is broad in order to cater to the diversity of interests among the students. Some events last for one day and involve raising funds and awareness whereas others have become part of the fabric of our school. Projects that have been undertaken include work at local hospitals, many runs/walks

to support different causes, support for Cops for Cancer, Cystic Fibrosis, Mustard Seed, War Child Canada, Victoria Foundation - Youth in Philanthropy, Free the Children school building and Orphanage Outreach to name a few. There has also been a concerted effort to raise awareness and support for local areas of need including Our Place, Youth Empowerment Society and the Cool Aid Society.

A major focus at the Middle School, and within the Student Council, is "community." This sense of community within the school has made our students aware that respect, kindness, and an understanding of each other's differences are very important. As a result, a number of community service events are planned by the Student Council, or within the Middle School as a whole. These include service days, dances at which funds are collected for a particular cause, Christmas hampers and participation in community events such as Run for the Cure (Breast Cancer Foundation); the Terry Fox Run; the Cops for Cancer head shave (Canadian Cancer Society); UNICEF Collection at Halloween; the St. Patrick's Day Fun Run (Big Brothers and Big Sisters Victoria); Jeans Day (BC Children's Hospital); Swimathon (Victoria Hospice Society); and the World Partnership Walk (Aga Khan Foundation).

The Junior School is involved in numerous events throughout the year including support of the Mustard Seed, Red Cross, Victoria Hospice, Terry Fox Run, fundraising for natural disasters and the most inclusive and involved of events, the World Partnership Walk. The Junior School philosophy of commitment to service provides students the opportunity to serve the needs of our school as well as the needs of the local and worldwide community.

For information about the Community Service program, please contact Mr. Kevin Cook, Director of Service, at 250-370-6161, or the directors of each school.



From: Cessford, Sheila EDUC:EX
To: To: Winson EDUC:EX
Subject: FW: St Michael's University
Date: December 7, 2012 3:41:41 PM

Hi Winson:

Please print for each SMU Investigation files. Thanks.

Sheila

Sheila Cessford
Director, Professional Conduct
Teacher Regulation Branch
Ministry of Education
400 - 2025 West Broadway
Vancouver BC V6J 1Z6
Tel 604-714-3300
Fax 604.731.9145
Email sheila.cessford@gov.bc.ca
Our website is www.bcteacherregulation.ca

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From: Cessford, Sheila EDUC:EX
Sent: December 7, 2012 3:41 PM
To: 'Jeff Grenier'
Subject: RE: St Michael's University

Hello Cst. Grenier:

CONFIDENTIAL

s.16

Sheila

Sheila Cessford
Director, Professional Conduct
Teacher Regulation Branch
Ministry of Education
400 - 2025 West Broadway
Vancouver BC V6J 1Z6
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From: Jeff Grenier [<mailto:JGRENIER@saanichpolice.ca>]

Sent: December 6, 2012 2:53 PM

To: Cessford, Sheila EDUC:EX

Subject: St Michael's University

Hello Sheila — I am a police officer with the Saanich Police Department and my current position is as a School Liaison Officer. I am responsible for 12 schools in Saanich and one of them is St-Michael's University (SMU). s.16
s.16

Regards -

Cst Jeff Grenier #132
Community Liaison Divison
School Liaison Officer
Saanich Police Department
760 Vernon Ave, Victoria, BC V8X2W6

250-475-4317 (office)

250-475-4398 (fax)

jgrenier@saanichpolice.ca