

# LEADERSHIP UPDATE

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## The Association's Role in School and District Leadership Development

Schools and districts throughout the province are recognizing the value of working with the Association to develop comprehensive professional development plans that focus on leadership.

At the district level, a program can be developed to meet the needs of teachers who are considering a career in leadership. Alternatively, a program can be developed for new or experienced administrators.

The program length can vary from one to two years, with four to six sessions being offered each year. To date, the most popular session topics have been as follows:

- Teacher growth, supervision and evaluation
- The many faces and forms of instructional leadership
- Facilitating leadership
- Being a change agent
- Community involvement in the school
- Connecting with the community
- The top 10 legal issues for administrators
- Dealing with difficult people
- Meeting parent or community expectations
- Understanding the *Principal Quality Practice Standard* document
- Team building

To plan a district-level program, typically a steering committee is struck that consists of representatives from the district and the local,

members from the field and a facilitator from the Association. A needs assessment survey is distributed to members of the cohort, and the planning for the program begins. Sessions may be offered by Association staff, district personnel or other presenters, depending on the topic.

At the school level, the sessions tend to encompass only the current school year, although comprehensive planning still takes place. Again, a steering committee consisting of the school administration and teacher representatives works with the Association facilitator to design the program.

Feedback from schools and districts that have completed these programs has been very positive. Participants have enjoyed the opportunity to learn and connect with colleagues on relevant topics over the time period selected. The program itself is built on the principles of effective professional development, which specify that a program must meet the needs of the participants, bring to bear the current research on the topic, be job embedded and allow for social interaction in the learning process.

Any school or district interested in pursuing this topic is invited to contact Association staff in Professional Development or Member Services at 1-800-232-7208 (toll free in Alberta).

**A great leader's courage to fulfill his vision comes from passion, not position.**

*John Maxwell*



# Leadership Essentials for Administrators Conference 2008

Featuring keynote presenters Todd Whitaker and Carol Boothroyd

Administrators in the first two years of their appointment or administrators new to Alberta are invited to attend the 2008 Leadership Essentials for Administrators Conference, to be held November 24 and 25 at the Westin Hotel in Edmonton. A grant-in-aid will offset costs for participants.



The Leadership Essentials for Administrators Conference is a key component of the Association's program of services for school-based administrators. The goals of the conference are to provide ongoing knowledge and skill development to beginning administrators; to continue to assist new administrators; to provide awareness around roles, responsibilities, and professional and legal obligations;

and to promote ATA services and supports to new administrators. Administrators will network with colleagues and learn about

- fostering effective relationships,
- embodying visionary leadership,
- leading a learning community,
- providing instructional leadership,
- developing and facilitating leadership,
- managing school operations and resources, and

- understanding and responding to the larger societal context.

For more information and a registration form, visit the ATA website ([www.teachers.ab.ca](http://www.teachers.ab.ca)) and click on Resources for School-Based Administrators. Or call Konni deGoeij in Member Services at (780) 447-9472 or Mark Yurick in Professional Development at (780) 447-9475. To call toll free in Alberta, dial 1-800-232-7208.

## Seminar Series: Legal Issues for Administrators

Most educators are aware of the litigious nature of the current public and of ever-changing legislation and judicial decisions that have an impact on the operation of schools; however, many teachers and administrators foster misunderstandings about the basic legal concepts being applied in educational settings. This phenomenon has resulted in uncertainty about the legality of daily decisions that educators make in the course of operating schools. School personnel often approach the law with anxiety and fear, and view it as a trap to ensnare any educator who makes an innocent mistake. In the 21st century, this vast

amount of legal action requires educators to possess a basic understanding of the laws that affect them and the concerns that frequently arise in education law. Educators must also recognize how their actions can lead to litigation and the impact of legislative and judicial mandates on the teaching profession.

School administrators may have a larger responsibility than other professionals to understand the legal process, as well as the substantive requirements of certain landmark decisions and their effect on school policies and the operation of schools. Therefore, the ATA will be providing

school-based administrators with an opportunity to learn about important issues in the law today and a chance to engage in activities and discussions that will enhance their learning process.

This seminar series is designed to help administrators become more aware of their legal obligations within a complex set of employment, professional and social parameters set out in various laws, regulations and policies. The series will cover scenarios over a three-year period that involve parents/ community, students and staff. Planning is under way for the first seminar to be offered in the spring of 2009.

# Aligning Interview Practices with Privacy and Human Rights Legislation

Employment interviews involve an exchange of information. But is the information provided by applicant and employer of equal value? Clearly, the applicant's pursuit of the job requires the disclosure of sensitive personal information without reciprocation. When one party to a transaction is disadvantaged—however justifiably—legislative protections work to even the playing field. School boards must balance their need to collect, use and disclose applicants' personal information with privacy and human rights protections by developing a compliant yet flexible interview process.

## FOIP

Section 33(c) of the *Freedom of Information and Protection of Privacy Act* (FOIP) grants school boards (as local public bodies) the authority to collect, use and disclose an applicant's personal information where such data "relates directly to and is necessary for an operating program or activity of the public body." Additionally, section 34(1)(n) authorizes collection of personal information necessary to manage or administer personnel of the public body, including reference information from any source, without the applicant's prior consent.

It is good practice to allow employment candidates access to your interview and reference check procedures prior to, or at the time of,

their application. A statement that includes the following elements will better prepare applicants to participate in an effective interview:

- *Authority to collect.* We collect personal information from applicants in accordance with sections 33(c) and 34(1)(n) of the *Freedom of Information and Protection of Privacy Act* (FOIP).
- *Purpose for collection.* The information is collected for the purpose of obtaining job-related information.
- *Use.* Personal information collected in interviews and through reference checks is used solely to determine eligibility, suitability and qualifications for employment.
- *Interview format.* Panel or individual. Approximate interview length.

## Other FOIP Considerations

Section 35 of FOIP requires that where you have used personal information to make a decision about an individual, you must (a) "make every reasonable effort to ensure that the information is accurate and complete" and (b) "retain the personal information for at least one year after using it."

Section 38 of FOIP requires you to make reasonable security arrangements to protect personal information from unauthorized access, collection, use, disclosure or destruction.

## A Note on Panel Members

FOIP applies to the collection, use and disclosure of all personal information in the custody or under the control of public bodies. Although the Association does not support the participation of parents in personnel decisions, if your interview panel consists of members who are not employees of the public body (such as parent representatives or consultants), you are responsible for their FOIP compliance. Ensure that all members of a panel have clear guidelines that spell out how they are to use and protect applicants' personal information. Panelists should be prohibited from forwarding documents or disclosing applicants' personal information to third parties. Once the interview process is completed, insist that panelists return to you any copies (print or electronic) of resumes or application forms distributed to them, as well as their handwritten notes or summaries.

## HRCM

Your interview structure is compliant and sound. What about the content? Which interview questions are off limits? Which are appropriate? For the answers, we turn to human rights legislation.

Alberta's *Human Rights, Citizenship and Multiculturalism Act* (HRCM) protects individuals from employment

discrimination based on the protected grounds of race, colour, ancestry, place of origin, religious beliefs, gender, age, physical disability, mental disability, marital status, family status, source of income and sexual orientation.<sup>1</sup>

The HRCM encourages an inclusive workplace and confers specific responsibilities upon employers.<sup>2</sup> According to the Alberta Human Rights and Citizenship Commission, these responsibilities include the following:

- Maintaining a discrimination-free workplace
- Advancing inclusive workplaces through the removal of barriers based on protected grounds
- Providing accommodation based on protected grounds to the point of undue hardship<sup>3</sup>

The *HRCM Act* applies to the entire employment period—recruitment, promotions, assignments and termination. Employers cannot sidestep HRCM provisions by contracting out of human rights provisions.

## Off-Limits

### Interview Questions

Section 8(1) of the *HRCM Act* reads:

No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment *or make any written or oral inquiry of an applicant* [emphasis added]

(a) that expresses either directly or indirectly any limitation, specification or preference indicating discrimination on the basis of the race, religious beliefs, colour, gender, physical disability,

mental disability, age, ancestry, place of origin, marital status, source of income or family status of that person or of any other person, or

(b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income or family status.

In general, avoid interview questions that seek information related to a protected ground<sup>4</sup> or that are irrelevant to the applicant's ability to perform the job.

Specifically, do not ask applicants to reveal information about the following:

- Gender, or marital or family status, unless required for a specific business-related purpose. For example, do not
  - ask for a previous or maiden name,
  - ask about relatives and dependants,
  - ask about childcare providers or choices,
  - ask about plans to have or adopt children, or
  - ask about a spouse's or partner's job status or potential for relocation.
- Sources of income that are not directly related to the job.
- Previous names. This may indirectly touch upon protected grounds other than marital or family status, such as ancestry or place of birth or origin.
- The name of a next of kin. Such information can reveal information related to protected grounds. A preferable practice is to wait until the applicant is an employee and then request the name of an emergency contact.

- Dependants, others living in the household, need for childcare, or plans to have or adopt children.
- Age or date of birth.
- Previous address.
- Citizenship. This may reveal place of origin. It is preferable to ask the following:
  - Are you legally entitled to work in Canada?
  - Are you a Canadian citizen or landed immigrant? (Do not distinguish between the two. Ask as a yes-or-no question.)
- Mental or physical disabilities unrelated to the job.
- Medical history or treatment, mental or physical health, biometrics (height/weight) or appearance.
- Sexual orientation.
- Past or current WCB claims.
- Military service or plans to enter reserve military service.
- Religious beliefs or practices, places of worship, ritual dress or traditions.
- The racial or religious affiliations of past or present schools attended, organizations joined, or other institutions or groups identified by the applicant.
- Past or present membership in professional, voluntary, charitable, political or recreational organizations.
- Whether the applicant is a smoker or nonsmoker.

Also, do not ask the applicant to provide a photo.

## A Note on Separate Schools

Alberta's separate schools are protected under section 93 of the *Constitution Act* of Canada and may be established by a community's Roman

Catholic or Protestant religious minority. Separate schools may legally discriminate in employment practices. This exception is supported by the rationale that separate schools exist to accommodate the educational imperatives of either Protestant or Roman Catholic religious doctrine and therefore they may engage in *exclusive*, rather than *inclusive*, practices that otherwise would run counter to the protected grounds underpinning human rights legislation. Nevertheless, separate school boards must establish the religious character of the discrimination as a bona fide occupational requirement under the HRCM.<sup>5</sup> Additionally, separate school boards are not exempt from FOIP compliance in their collection, use and disclosure of personal information.

Regular review of your interview practices through the filters of privacy (FOIP) and human rights (HRCM) compliance will assist you in matching the ideal candidates to your employment opportunities. School board practices

reflective of privacy and human rights can foster stable operational, pedagogical and cultural conditions conducive to learning, including

- a culture of respect and trust,
- a reputation for fair dealing attractive to potential applicants,
- increased job satisfaction and retention,
- effective collaboration and cooperation,
- enhanced commitment to innovation, and
- more effective conflict resolution.

For more information with regard to privacy compliance, call Barnett House at 1-800-232-7208 and ask to speak to Marvin Hackman in Member Services or Margaret Shane, the ATA's privacy officer.

## Notes

1. Although the HRCM does not include specific reference to sexual orientation, the Supreme Court of Canada "read in" sexual orientation as a protected ground effective April 2, 1998.

2. The ATA's long-range policy on diversity, equity and human rights (section 18.A.11) "vigorously protests hiring practices by school boards that violate the *Human Rights, Citizenship and Multiculturalism Act* or the Canadian Charter of Rights and Freedoms." See [www.teachers.ab.ca](http://www.teachers.ab.ca).

3. The term *undue hardship* refers to specific hardships accruing to the employer, such as unsupportable financial cost, disruption or suspension of business, or other insurmountable consequences of accommodation.

4. In very limited circumstances, protected ground questions may be acceptable if they are clearly and directly related to a business purpose. Consult the act and seek legal advice before including such questions in your interview process.

5. For case law and constitutional analysis related to separate schools, see "Competing Rights: Legalized Employment Discrimination by Denominational Schools," Legal Resource Centre of Alberta, 1997. [www.thefreelibrary.com/Competing+rights:+legalized+employment+discrimination+by...+a030356763](http://www.thefreelibrary.com/Competing+rights:+legalized+employment+discrimination+by...+a030356763).

