

August 16th - 1:00 - 4:00

How Might System Education Leaders be Specifically Affected by the New Professional Conduct Procedures?



The image shows four vertical panels, each with a decorative border at the top consisting of a colorful, interlocking geometric pattern. The panels are arranged in a row and contain the following text:

- Panel 1 (Dark Blue):** Building Effective Relationships
SLQS 1
- Panel 2 (Dark Blue):** Fostering Effective Relationships
LQS 1
- Panel 3 (Purple):** Modelling Commitment to Professional Learning
SLQS 2
- Panel 4 (Purple):** Modelling Commitment to Professional Learning
LQS 2



Learning Overview

Wednesday 1:00 - 4:00:

How Might System Leaders be Specifically Affected by New Professional Conduct Procedures

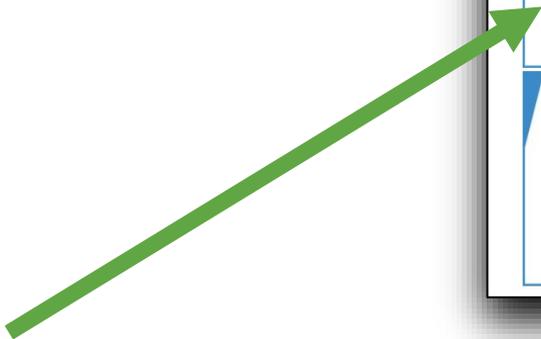
Why are the new legislative changes a big deal? What does a System Leader need to know and how might a System Leader be specifically affected under the new processes? This session, addresses the following issues:

- In depth discussion of the revised Code of Conduct and implications for System Leaders
- What participation in the process could look like for a System Leader
- What is the duty to report and when should this be made by a System Leader: what is new?
- How could a System Leader properly participate in the process?

This will be a practical hands-on session intended to assist a System's Leader to increase the tools in their toolbox when dealing with complaints and the related process. You do not have to have attended the first session on the Teacher Profession Act to attend this session.

CASS/ASBOA

Conference Resource Materials



Events / Professional Learning

Conference Program Archive

Event Planner 4-year Calendar

| | | | |
|--|--|--|---|
|  CASS/ASBOA Summer Learning Conference |  New Members Academy/Mentorship Training |  Leading for Learning Program for Experienced School Leaders |  Start Right Program for Beginning School Leaders |
|  CASS Fall Conference |  Online Learning |  First Nations, Métis & Inuit Education Gathering |  CASS Annual Learning Conference |

Professional Practice



School Business Officials Practice Profile Organization & Administration

The ASBOA Areas of Practice Standards have been developed based on international standards and modified to reflect the current roles and responsibilities of members working in the business, finance, and operations in the K-12 education system in Alberta.

Being an effective school business professional requires proficiency in a broad variety of skill sets. The ASBOA Practice standards detail those abilities broken down into nine general areas.

This profile guide is focused on the knowledge and skills required for:

- Organization & Administration
- Public Policy and Intergovernmental Relations
- Legal and Risk Management

This profile tool is intended to frame your reflection on your practice, based on the indicators for each area of the Organization and Administration practice standards.

A suggested approach for using this tool:

Evidence in Practice

Review each of the statements highlighting ones that represent practices you demonstrate.

Identify those practices you demonstrate in the "Evidence of Practice" column. (Are the practices observable? Are they measurable?)

If you currently demonstrate a practice that is not described, consider adding it to evidence in practice column.

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School Business Officials Practice Profile Human Resource Management

Human Resource Management

Being an effective school business professional requires proficiency in a broad variety of skill sets. The ASBOA Practice standards detail those abilities broken down into nine general areas.

Human resource management encompasses all aspects of employee recruitment, induction, professional development, labour relations and the fostering of positive human relations.

This profile guide is focused on the knowledge and skills required for:

- Personnel and Benefits Administration
- Professional Growth
- Labour Relations and Employment Agreements
- Human Relations

This profile tool is intended to frame your reflection on your practice, based on the indicators for each area of the Human Resource Management standards.

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Areas for Growth

Reflect on your current practice and on the job behavior as they relate to the area of practice to assist you in identifying areas for growth.

You may choose to add additional indicators based on shared practices and/or emerging legislation and/or research that identify areas in which you would like to grow.

If you wish to do a more in-depth assessment of your current skill levels, you can refer to the 2021 International School Business Management Professional Standards which provides further competency identifies for Entry, mid and senior level guides for aligning foundational industry knowledge and expertise.



Superintendent Leadership Quality Standard: PRACTICE PROFILE

The Superintendent Leadership Quality Standard (SLQS) is described by competencies superintendents are required to demonstrate in their professional practice. Each competency includes indicators designed to provide illustrative examples of competent leadership practice.

Indicators are actions that are likely to lead to the achievement of the competency and which, together with the competency, are measurable and observable. This profile tool is intended to frame your reflection on your practice, based on the indicators for each competency from Alberta Education's LQS. Additional indicators representative of your context, your practice and your plans for growth may be added. Indicators may also be representative of Alberta stories of practice and/or emerging research.

One additional construct, based on the Alberta context and members' needs, has been added to the CASS Practice Profile. This construct, following the required Alberta

- 1. Building Effective Relationships
- 2. Building Commitment to Professional Learning
- 3. Ensuring Leadership
- 4. Leading Learning
- 5. Ensuring First Nations, Métis and Inuit Education for All Students
- 6. Supporting Student Learning and Well-being
- 7. Supporting Effective Governance

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You may choose to add Alberta stories of practice that identify areas in which the development of a implementation plan for identify can be informed planning tools available at <https://cass.ab.ca/planning-for-implementation/>



Leadership Quality Standard PRACTICE PROFILE

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- 1. Building Effective Relationships
- 2. Building Commitment to Professional Learning
- 3. Ensuring University Leadership
- 4. Leading Learning Community
- 5. Supporting the Application of Foundational Knowledge about First Nations, Métis and Inuit
- 6. Ensuring Instructional Leadership
- 7. Supporting Leadership Capacity
- 8. Managing School Operations and Resources
- 9. Understanding and Responding to the Larger Societal Context

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Leadership Quality Standard

Quality leadership occurs when the leader's ongoing analysis of the context, and decisions about what leadership knowledge and abilities to apply, result in quality teaching and optimum learning for all school students.

Alberta Education Ministerial Order #022/2020



Areas for Growth

Reflect on your practice and use these or your own indicators to assist you in identifying areas for growth.

Areas of growth should be able to be supported by observations and measures of practice.

You may choose to add additional indicators based on Alberta stories of practice and/or emerging research that identify areas in which you would like to grow.

The development of a professional learning and implementation plan for the areas of growth you identify can be informed by system level planning tools available at <https://cass.ab.ca/planning-for-implementation/>

Session Overview

| | |
|--------------------|--|
| 1:00 | Opening |
| 1:10 | General Best Practices |
| 1:10 - 1:20 | Case Study |
| 1:20 - 2:00 | Section I - Table Conversation And Key Takeaways |
| 2:00 - 2:40 | Section II - Table Conversation And Key Takeaways |
| 2:40 - 3:10 | Break |
| 3:10 - 3:50 | Section III - Table Conversation And Key Takeaways |
| 3:50 - 4:00 | Key Takeaways And Closing |

General Best Practices

Top 25 Human Resources Related Risk Management Tips And Takeaways

- 1. Act Reasonably At All Times**
- 2. Document, Document, Document**
- 3. Put Nothing Of An Irrelevant, Compromising, Discriminating Harassing Nature In An Email**
- 4. Read the Education Act and regulations**
- 5. Read all APs within your School Authority**

6. Read the Alberta Human Rights Act and inform yourself on the meaning of:

- **discrimination**
- **harassment of a discriminatory nature**
- **the duty to accommodate to the point of undue hardship**
- **try to offer, if factually warranted, two or more accommodations in an accommodation plan**
- **ascertain how to inform yourself further of these issues**
- **act reasonably at all times**
- **document, document, document**

7. Ensure the School Authority has proper discrimination free hiring practices:

- **Ensure hiring procedures are in writing**
- **Ensure hiring roles and practices as they related to school principals and central office are well identified and understood**
- **Train school administrators on hiring practices, including on the School Authority's staffing procedures**
- **Ensure procedures to check references are clear and properly and consistently followed**

8. Ensure you understand the School Authority's OH & S obligations and the workers' rights and duties:

- Ascertain how to inform yourself further of these issues

9. Read Alberta's Employment Standards Code

- Ascertain who to inform yourself further of these issues

10. Read all Collective Agreements

- Understand the meaning of the words in the collective agreement
- Understand the School Authority's practices in the application of collective agreement clauses
- Apprise yourself of any School Authority collective agreement-related grievances and the implications of the same on the School Authority

11. ACT REASONABLY AT ALL TIMES

- **Seek second sober thought as to whether you are acting reasonably**

12. DOCUMENT, DOCUMENT, DOCUMENT

13. Confirm your School Authority's Human Resource relating issues with confidentiality

- **Read FOIP Act**
- **Read the School Authority's AP relating to FOIP**
- **Read the School Authority's AP relating to privacy**
- **Read the School Authority's APs relating to the use of technological devices and social media usage**

14. Ensure the School Authority's employment contracts are up to date

15. Ensure the School Authority has written job descriptions

16. Ensure School Authority's administrative policies are up to date, and that a procedure is in place to allow for regular AP review

17. ACT REASONABLY AT ALL TIMES

18. DOCUMENT, DOCUMENT, DOCUMENT

19. Ensure you understand the School Authority's termination procedures and practices, including the applicable sections in the Education Act

20. Ensure you understand your Equity, Inclusion and Diversity procedures and practices

21. Ensure you have implemented proper HR training programs for your school administrators

22. Understand when and why a School Authority should work with legal counsel

23. Understand when and why an external investigator should be retained from a risk management perspective, and how that external investigator should be retained to best manage risk

24. Ensure you have a clear understanding of where / how you maintain personal, confidential and personnel information

25. Bear in mind the labour law “KVP Test” in your decision making and application of the same (below)



LABOUR LAW KVP TEST

1. The work rule must not be inconsistent with the collective agreement;
2. The work rule must not be unreasonable;
3. The work rule must be clear and unequivocal;
4. The work rule must be brought to the attention of the employees affected before the employer can act on it;
5. The employees concerned must have been notified that a breach of such rule could result in their discipline if the rule is used as a foundation for discipline;
6. Such rule should have been consistently enforced by the employer from the time it was introduced.

Case Study

- **Case Study: Barbe Rouge**
 - **Copy Of The Case**
 - **Volunteer To Read The Case**

Case Study

- **Case Study: Barbe Rouge**
 - Investigations
 - Social Media
 - Professional Incompetence / Unprofessional Conduct
 - Teacher Suspensions
 - Reporting
 - Other Considerations

How System Leaders Might Be Affected By The New Professional Conduct Procedures

1. Appoint A Table Facilitator / Reporter
2. From a teacher conduct perspective, in your view have any of the following individuals demonstrated either professional incompetence or unprofessional conduct, and if so, how:
 - a. Barbe Rouge
 - b. Erix Rouge
 - c. Obé Lix
 - d. Impe Dementa
 - e. Vital Statistix
3. Which of the “25 Best Practices” would you incorporate into your investigation?

Key Takeaway

Teresa Haykowsky: To Be Determined By Table Conversations

- **Education Act, Division 3.1, Discipline of Teachers**
-
-
-

Case Study

- **Case Study: Barbe Rouge**
 - Vexatious / Frivolous
 - Dispute Resolution
 - Administrative Procedures
 - Other Considerations

How System Leaders Might Be Affected By The New Professional Conduct Procedures

1. Appoint A Table Facilitator / Reporter
2. What complaints, if any, are in your view frivolous, vexatious and/or without merit? Please justify your answer.
3. Under what circumstances might the dispute resolution process under the Education Act be of assistance to the following individuals, and if so, why:
 - Barbe Rouge
 - Erix Rouge
 - Obé Lix
 - Impe Dementa
4. Evaluate the dispute resolution processes and administrative procedures your division has in place?
5. Which of the “25 Best Practices” would you incorporate into your investigation?

Key Takeaway

Teresa Haykowsky: To Be Determined By Table Conversations

- **Education Act, Division 3.1, Discipline of Teachers**
-
-
-

Wellness Break

2:40 - 3:10



Case Study

- **Case Study: Barbe Rouge**
 - Legal Counsel
 - Investigations
 - Third Party Investigation
 - Other Considerations

1. Appoint A **Table Facilitator / Reporter**

2. In your view should the same legal counsel represent the following individuals:
 - a. Barbe Rouge
 - b. Erix Rouge
 - c. Obé Lix
 - d. Impe Dementa
 - e. Vital Statistix

Please justify your response.

Key Takeaway

Teresa Haykowsky: To Be Determined By Table Conversations

- **Education Act, Division 3.1, Discipline of Teachers**
-
-
-

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How Might System Education Leaders be Specifically Affected by the New Professional Conduct Procedures?

- Key Takeaways And Final Questions

Termination of contract

214(1) A contract of employment between a board and a teacher automatically terminates at the time that

(a) the teacher's teaching certificate is suspended or cancelled by the Minister, or

(b) the teacher's teaching certificate expires.

(2) A contract of employment between a board and a teacher or a designation of a teacher made pursuant to section 202, 203 or 204 may be terminated by mutual consent.

Division 3.1 Discipline of Teachers and Teacher Leaders

Definitions

225.1 In this Division,

- (a) “administrator” means
 - (i) in the case of a school operated by a board, Francophone regional authority or operator of a charter school,
 - (A) the superintendent appointed under this Act for the board, Francophone regional authority or charter school, or
 - (B) in respect of a matter that relates to the superintendent,
 - (I) the chair of the board or Francophone regional authority, or
 - (II) the operator of the charter school,
 - (c) “code of professional conduct” means the code of professional conduct established under the regulations;
- (d) “complainant appeal committee” means a complainant appeal committee established under [section 225.95\(3\)](#);

- (e) “complaint” means
 - (i) a complaint made under [section 225.91\(1\)](#),
 - (ii) a matter referred by the Registrar to the Commissioner under [section 225.91\(3\)\(a\)](#),
 - (iii) a matter in respect of which the Commissioner, of the Commissioner’s own initiative, makes preliminary inquiries under [section 225.91\(3\)\(b\)](#), and
 - (iv) a notice of termination referred to in [section 225.92](#);
- (f) “conduct” includes an act or omission

Professional incompetence

225.3(1) Failure to meet the requirements of the Teaching Quality Standard constitutes professional incompetence in carrying out the teaching duties related to a teaching certificate.

(2) Failure to meet the requirements of the Leadership Quality Standard constitutes professional incompetence in carrying out the leadership duties related to a leadership certificate.

(3) Failure to meet the requirements of the Superintendent Leadership Quality Standard constitutes professional incompetence in carrying out the leadership duties related to a superintendent leadership certificate.

Unprofessional conduct

225.4 Conduct that

- (a) is detrimental to the best interests of students, the public, teachers or teacher leaders or the teaching profession,
- (b) does not comply with the code of professional conduct, or
- (c) is the basis for a conviction for an indictable offence

constitutes unprofessional conduct.

Termination of contract as complaint

225.92(1) If the employer of

- (a) a teacher who holds a teaching certificate, or
- (b) a teacher leader who holds a leadership certificate or superintendent leadership certificate

terminates the contract of employment of the teacher or teacher leader on grounds related to the professional incompetence or alleged unprofessional conduct of the teacher or teacher leader, the employer shall forward the notice of termination and the grounds for the termination to the Registrar.

(2) A notice of termination received under subsection (1) is deemed to be a complaint, but the employer is not considered to be a complainant for the purposes of this Act.

(3) The Commissioner shall not take any action under [section 225.94](#) with respect to the complaint until

- (a) any appeal to the Board of Reference or to the Court of Appeal relating to the termination of the contract of employment has been heard and disposed of, or
- (b) the time for commencing an appeal to the Board of Reference or to the Court of Appeal relating to the termination of the contract of employment has expired without an appeal being commenced.

Duty to report to Registrar

225.99993(1) In this section,

- (a) “administrator” means
 - (i) in the case of a school operated by a board, Francophone regional authority or operator of a charter school,
 - (A) the superintendent appointed under this Act for the board, Francophone regional authority or charter school, or
 - (B) in respect of a matter that relates to the superintendent,
 - (I) the chair of the board or Francophone regional authority, or
 - (II) the operator of the charter school,
 - (ii) in the case of an early childhood services program provided by a person other than a board or a private school,
 - (A) if the person providing the early childhood services program is an individual, that individual, or
 - (B) if the person providing the early childhood services program is not an individual, the chair of the board of the society under the [Societies Act](#), the non-profit company under Part 9 of the [Companies Act](#) or the non-profit corporation incorporated by or under an Act of the Legislature that is providing the early childhood services program,

or

- (iii) in the case of a private school,
 - (A) if the person responsible for the operation of the private school is an individual, that individual, or
 - (B) if the person responsible for the operation of the private school is not an individual, the chair of the board of the society under the [Societies Act](#), the non-profit company under Part 9 of the [Companies Act](#) or the non-profit corporation incorporated by or under an Act of the Legislature that is responsible for the operation of the private school;
- (b) “employer” means a board, a person responsible for the operation of a private school, the operator of a charter school, a Francophone regional authority or a person other than a board or a private school providing an early childhood services program.

- Key Takeaways And Final Questions

- (2) An administrator shall send a written report to the Registrar if
- (a) a teacher or teacher leader employed by an employer
 - (i) is placed on non-teaching duties or non-leadership duties by the employer,
 - (ii) is suspended from employment,
 - (iii) is terminated from employment,
 - (iv) resigns from employment,
 - (v) retires from employment, or
 - (vi) is subject to other consequences with respect to employment,
- and
- (b) the action in clause (a) results from conduct that brings into question the suitability of the teacher or teacher leader to hold one or more certificates issued under this Act.
- (3) Where a report is made under subsection (2) in respect of a teacher or teacher leader, the administrator shall make a complaint under [section 225.91](#) about the teacher's or teacher leader's conduct.
- (4) No action lies against any of the following in respect of any report made under subsection (2) in good faith when acting or purporting to act under this Act or the regulations:
- (a) an administrator;
 - (b) a person appointed as an official trustee;
 - (c) a person who acts on the instruction of, or under the supervision of, a person referred to in clause (a) or (b).
- (5) No action for defamation may be founded on a report made under subsection (2) in good faith.
- (6) If a complaint under subsection (3) is dismissed or if a decision is made to take no further action with respect to the complaint, the Registrar shall remove the report made under subsection (2) from the teacher's or teacher leader's file.

Duty to report to police

225.99994(1) A person referred to in subsection (2) who reasonably believes that a teacher or teacher leader has engaged in conduct that involves

- (a) physical harm to a student,
- (b) sexual abuse or sexual exploitation of a student, or
- (c) any other matter that may, in the opinion of the person, threaten the safety of a student

shall report that conduct to a police service.

(2) The following persons are required to report under subsection (1):

- (a) the Registrar;
- (b) the Commissioner;
- (c) a superintendent;
- (d) the chair of a board;
- (e) in the case of a person other than a board or a private school providing an early childhood services program,
 - (i) if the person providing the early childhood services program is an individual, that individual, or
 - (ii) if the person providing the early childhood services program is not an individual, the chair of the board of the society under the [Societies Act](#), the non-profit company under Part 9 of the [Companies Act](#) or the non-profit corporation incorporated by or under an Act of the Legislature that is providing the early childhood services program;
- (f) in the case of a private school,
 - (i) if the person responsible for the operation of the private school is an individual, that individual, or
 - (ii) if the person responsible for the operation of the private school is not an individual, the chair of the board of the society under the [Societies Act](#), the non-profit company under Part 9 of the [Companies Act](#) or the non-profit corporation incorporated by or under an Act of the Legislature that is responsible for the operation of the private school;
- (g) the executive secretary of The Alberta Teachers' Association;
- (h) the executive director of the College of Alberta School Superintendents.

- Key Takeaways And Final Questions

(3) When a person referred to in subsection (2)(b) to (h) makes a report under that subsection, the person shall notify the Registrar of the following:

- (a) that a report has been made;
- (b) the name of the teacher or teacher leader who is the subject of the report;
- (c) the nature of the conduct in respect of which the report was made.

(4) If a person referred to in subsection (2)(b) to (h) asks the Registrar whether a report has been made with respect to the conduct of a teacher or teacher leader, the Registrar may disclose to the person the fact that a report has been made.

(5) A person referred to in subsection (2)(b) to (h) is not required to make a report under that subsection with respect to the conduct of a teacher or teacher leader if the Registrar has disclosed in writing to the person under subsection (4) that a report has been made.

(6) Subsection (1) applies notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act.

(7) No action lies against a person reporting under this section unless the reporting is done maliciously or without reasonable grounds for the belief.

Professional Practice



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School Business Officials Practice Profile Human Resource Management

Human Resource Management

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Human resource management encompasses all aspects of employee recruitment, induction, professional development, labour relations and the fostering of positive human relations. School business officials should have a solid understanding of local, provincial and federal laws associated with human resource management, be aware and remain abreast of current management concepts and practices.

This profile guide is focused on the knowledge and skills required for:

- Personnel and Benefits Administration
- Professional Growth
- Labour Relations and Employment Agreements
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Reflect on your practice and indicators or your own identifying areas for growth

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You may choose to add Alberta stories of practice that identify areas in wh

The development of a implementation plan for identify can be informed planning tools available at <https://cassalberta.ca>



Leadership Quality Standard PRACTICE PROFILE

The Leadership Quality Standard (LQS) is described by competencies school and jurisdiction leaders are required to demonstrate in their professional practice. Each competency includes indicators designed to provide illustrative examples of competent leadership practice.

Indicators are actions that are likely to lead to the achievement of the competency and which, together with the competency, are measurable and observable. This profile tool is intended to frame your reflection on your practice, based on the indicators for each competency from Alberta Education's LQS. Additional indicators representative of your context, your role, your practice and your plans for growth may be added. Indicators may also be representative of Alberta stories of practice and/or emerging research.

One additional construct, based on the Alberta context and members' needs, has been added to the CASS Practice

- 1. Building Effective Relationships
- 2. Building Commitment to Professional Learning
- 3. Ensuring University Leadership
- 4. Leading Learning Community
- 5. Supporting the Application of Foundational Knowledge about First Nations, Métis and Inuit
- 6. Supporting Instructional Leadership
- 7. Supporting Leadership Capacity
- 8. Managing School Operations and Resources
- 9. Understanding and Responding to the Larger Societal Context

Evidence in Practice

Review the indicators for each competency highlighting ones that represent practices you demonstrate.

Identify those practices you demonstrate in the "Evidence in Practice" column. (Are the practices observable? Are they measurable?)

If you currently demonstrate a practice that is not described in the Alberta Education indicators, consider adding it to the indicator column.

Additional indicators that represent your context based on examples of practice shared in the "Evidence in Practice" column may also be added.

This Practice Profile tool was developed by CASS and is based on the Professional Practice Standard content from Alberta Education. CASS workplace wellness framework, conditions and indicators were added August 2020. It is freely provided in support of improved teaching and learning under the following Creative Commons license. We appreciate any sharing of adaptations to further our learning. [admin@cass.ab.ca](http://admin.cass.ab.ca)

Profile. This construct, following the Alberta Education LQS competencies, is framed around the conditions represented in the CASS workplace wellness framework. System leaders are more likely to meet the professional practice standard when they are well.

Leadership Quality Standard

Quality leadership occurs when the leader's ongoing analysis of the context, and decisions about what leadership knowledge and abilities to apply, result in quality teaching and optimum learning for all school students.

Alberta Education Ministerial Order #022/2020



Areas for Growth

Reflect on your practice and use these or your own indicators to assist you in identifying areas for growth.

Areas of growth should be able to be supported by observations and measures of practice.

You may choose to add additional indicators based on Alberta stories of practice and/or emerging research that identify areas in which you would like to grow.

The development of a professional learning and implementation plan for the areas of growth you identify can be informed by system level planning tools available at <https://cassalberta.ca/planning-for-implementation/>

August 16th - 1:00 - 4:00

How Might System Education Leaders be Specifically Affected by the New Professional Conduct Procedures?

Thank You

WELCOME & INTRODUCTIONS

Michael Kilcommons is the Associate Superintendent with Christ the Redeemer Catholic Schools. After about two and a half decades in the classroom and school based administration, Michael moved to Central Office, where he is currently in the Corporate Services Department, having served in this role for the last 10 years. He is a member of both CASS and ASBOA.

Mr. Vincent Behm has spent the last 25 years as a teacher, principal, and most recently Chief Deputy Superintendent of Christ the Redeemer Catholic Schools. His teaching and leadership experiences includes all grade levels, and he has served as principal in elementary, junior, and senior high. Vincent has a Master of Education degree in Educational Leadership and a Human Resources certification from the University of Calgary. As Chief Deputy Superintendent with Christ the Redeemer Catholic Schools, he works primarily in Human Resources.

WELCOME & INTRODUCTIONS



MCLENNAN ROSS

TERESA HAYKOWSKY, K. C

Teresa provides practical advice and solid solutions based on her depth of knowledge in education law, labour and employment, constitutional, administrative, occupational health and safety, municipal, and privacy law.