

Policy 2 – Legal Assistance

Background

One of the goals of the BCSSA is to provide support to its members. Member support includes but is not limited to mentorship, professional learning, counselling, and legal assistance. BCSSA members may be subject to disputes, concerns, or formal complaints regarding professional misconduct or professional incompetence. The BCSSA will make provisions to afford advice, assistance, and legal protection to members in their professional duties and relationships.

Legal assistance and support to active members is provided through a tiered approach. This support begins with a consultation with the Chief Executive Officer (CEO) and may lead to a referral to a legal firm for assistance if deemed necessary. Legal costs incurred prior to contacting the CEO shall be the responsibility of the individual member.

Guidelines

1. Areas Where Legal Assistance May Be Approved

Legal assistance shall be restricted to providing advice, assistance, and legal protection to members in their professional duties and relationships. Without restricting the generality of the foregoing, the following areas are identified as examples:

- (a) dismissal;
- (b) Board of Education – BCSSA member dispute (other than dismissal); or,
- (c) legal action to secure benefits claimable under employee benefit plans (where the member's employment contract does not already provide for support for such actions).

2. Areas Where Legal Assistance Shall Not Be Approved

In the following situations, the BCSSA Executive Board shall not approve financial support:

- (a) when the member is under criminal investigation;
- (b) when the member is convicted of or has admitted to a criminal offence; or,
- (c) other – as determined by the President and Vice President (if either is in conflict, the Treasurer will make the determination).

3. Nature of Support

The following types of assistance can be provided:

- (a) dispute resolution through mediation and/or other forms of intervention;
- (b) legal opinion – written or verbal;
- (c) case preparation; and,
- (d) case litigation – lawsuit, arbitration.