

Winding Your Way Down the Paper Trail

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Our is a curious time. Never before in human history have we had the capacity to generate so much information and documentation. Thanks to such innovations as the Internet, e-mail, home computers and printers, as well as inexpensive commercial printing and photocopying, we are all inundated with information.

Information flows in two directions: received and generated. Deciding which information you should keep, and where, and also what documentation you should generate, and why, involves skill and organization.

Information Received

Incoming documents that relate to your professional standing such as employment contracts, offers of employment, benefits, and letters of commendation or disciplinary letters, should all be kept offsite in your home, preferably in a locked, fireproof filing cabinet. Letters addressed to you, dealing with personal issues, should also be kept offsite. Since you have no control over who can enter your office, this will ensure that your personal records remain untouched. This will also give you immediate access to your records in the unfortunate event that you face suspension or a long-term illness.

Any financial records should be kept for a minimum of seven years. Other documents should be kept at least as long as you are in the employ of a particular school board, or longer if you think that there might be any possible risk of litigation. You should also secure a copy of any police, violent incident or accident report.

Information Generated

This is the largest class of generated documents and includes memos, e-mails and notes.

a) Note-taking

Note-taking is one of the most important tools for a principal or vice-principal. You should get in the habit of making notes that document your daily activities and interactions. These should include telephone conversations, interactions with staff, students and parents, as well as meetings and other more formal interactions. The primary purpose of taking notes is to refresh your memory, should the need arise. These are not official documents.

The easiest way to record your notes is in a notebook or binder. Your notebook should not be stored at school, but rather carried with you at all times and taken home each evening. Notes should be made at the time of an event, or as soon as possible thereafter. Notes should be brief and contain the basics: who (list everyone in attendance), what (formal meeting, event, phone call), where (be specific as to the location), when (remember to include date and time) and why. Keep your language clear and simply state the facts. Record actual quotes, whenever possible, even if the language is profane. Avoid editorializing, passing judgment, trying to mind-read or make predictions as to why events occurred. Avoid subjective comments or innuendo. Whenever possible, records should be based on first-hand knowledge only. Set out events in chronological order and don't forget to proofread your notes.

In the event that you perceive an individual or situation might become problematic or require specific attention, establish a separate file. If you are requested to produce your notes on a particular subject, this would help avoid the laborious task of having to separate relevant notes.

It's important to understand that, from a legal perspective, while these notes are considered independent, they are still accessible. Your personal records are deemed private and cannot be divulged to a third party. However, your supervisory officer can request to see your notes. Should the need arise, they can also be subpoenaed as evidence in a court proceeding. Unlike journalists who can protect their sources, and clergy who can protect the privacy of their parishioners, your records are not protected by such privilege. This makes it even more important to ensure that your notes are kept current, factual and fair.

Keeping proper notes is critical to protecting your professional standing and reputation. In addition, as an agent of your school board, if you fail to protect yourself, you also fail to protect your board, which can have serious professional consequences. Principals and vice-principals who fail to keep adequate notes can be subject to discipline, particularly if they cannot recall relevant details. Failure to adhere to best practices by creating a proper paper trail can result in a litigation risk, whether or not there is merit to the case.

“The reality is that in any trial or investigation, which can often take place years after the events in question, lawyers and judges will be primarily interested in contemporaneous notes as the best evidence of what actually took place,” said James Cameron, counsel to CPCO.

Here are just a few examples when you may be required to produce your personal notes:

- Parents are fighting over the custody of a child. The principal’s notes are subpoenaed to substantiate evidence of child abuse.
- A teacher is arrested for possession of illegal drugs. The police request the principal’s notes that pertain to the teacher’s conduct.
- A student makes an admission without the benefit of counsel.
- A student with a long history of disruptive behaviour is given a maximum suspension and files a Human Rights complaint claiming race, not conduct, was a deciding factor. Your notes, carefully documenting the student’s misconduct, absolve the school and board of any discrimination.
- A child is interviewed without parental consent. The principal’s documentation can prove whether or not the child’s rights were violated.

In addition to taking notes specific to your interactions with staff, students and parents, it is also recommended that you create memos, setting out your understanding of events, confirming details of meetings, agreements or other interactions.

b) E-mail

Create a paper trail of e-mails by printing any electronic correspondence that you feel is important for quick reference. Keep this information offsite in an appropriate file. You can also forward e-mails to your home e-mail address. (For more information about e-mail security, refer to the article, “Big Brother is Watching: How to protect your professional reputation and professional standing by using e-mail appropriately”, *Principal Connections*, Winter 2004, Vol. 8, Issue 2).

To guide you through the perils of the paper trail, here’s a list of “Dos and Don’ts”.

Do


- create memos to confirm verbal agreements, meetings and private conversations.
- encourage your staff to do the same.
- document the W5 – who, what, where, when and why. This should include length of meeting, who was in attendance, who spoke, what questions were asked, any advice given, and factors taken into consideration.
- record actual quotes, whenever possible, even if the language is profane.
- include an “Errors or Omissions” statement, i.e., “Please let me know if I have missed anything.” In absence of a reply within a reasonable period of time, this can be used as credible evidence.
- attach relevant supporting documents.
- show any deliberations on paper.
- create an employment file at home that contains all related documents, including employment contracts, disciplinary letters, commendations and benefits information.


- ask for help. If you sense that your job is in jeopardy for any reason, send a written request for help. If your request is unheeded and you do find yourself facing discipline or dismissal, you have a reasonable defence.
- keep notes in a safe place, away from school, preferably in a locked, secure location.
- send a copy of all relevant e-mails to your personal e-mail address.
- back-up your data on a regular basis.

Don’t

- wait for confirming offers of employment or change in employment status. Manage up. Immediately following any offer, send a brief memo, confirming the details, and note that you await formalization.
- delay when taking notes.
- editorialize. Keep notes brief and factual.
- keep personal records solely at your school.
- delete e-mails, particularly any which might contain inflammatory or abusive content.
- forget to back-up your data on a regular basis.
- assume that other parties are acting in your best interests.
- rely exclusively on e-mails, particularly if you perceive a problem could be arising. Make personal notes of your interactions, and whenever possible, arrange a face-to-face meeting.

This article was prepared by STERLON Underwriting Managers Ltd., the administrators of CPCO’s legal expense benefit, as a service to CPCO members.







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