

## Technical provincial directives and guidance



In addition to those technical tools, the Province of Manitoba has also issued its own sets of directives and guidelines, some of which they insist will apply to your work as a school board, and you're going to find a lot of these manuals and guidance on the safe schools website. A memo has been prepared by myself referencing these tools and is included in your package for participants at this session, and you can read through the titles of those manuals so that you are aware of

what has already been developed, and to learn more about how you can access the appropriate link, which has been included.

# Technical Rx for board behaviour



Public Schools, C.C.S.M. c. P250  
Schémas

Écoles publiques, c. P250 de la C.P.L.M.  
Schémas

**SCHEDULE D**  
Form 1  
(Subsection 25(8))

**AFFIDAVIT OF QUALIFICATION AND OATH OF OFFICE AND ALLEGIANCE  
OF TRUSTEES OF SCHOOL DIVISIONS AND SCHOOL DISTRICTS**

CANADA  
PROVINCE OF MANITOBA

TO WIT:

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the Province of Manitoba \_\_\_\_\_ (occupation)  
make oath and say (or solemnly affirm):

(Strike out inapplicable words)

1. That I was elected a school trustee of The \_\_\_\_\_ School Division, or The School District of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.
2. That I am an actual resident elector within the said school division/district.
3. That my place of residence is (describe specifically).
4. That I am a Canadian citizen.
5. That I am of the full age of 18 years.
6. That I am not otherwise disqualified under *The Public Schools Act*.
7. That I will faithfully and impartially, to the best of my ability and knowledge, perform and fulfil the duties of the office of school trustee of The \_\_\_\_\_ School Division, or The School District of \_\_\_\_\_ to which I have been elected and so long as I shall continue to hold that office without fear or favour.
8. That I will be faithful and bear true allegiance to His Majesty \_\_\_\_\_, (naming the reigning sovereign for the time being) his heirs and successors according to law.

SWORN (or AFFIRMED) before me at \_\_\_\_\_ )  
in the Province of Manitoba )  
this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_. ) Signature of Declarant  
\_\_\_\_\_ )  
\_\_\_\_\_ )

A Commissioner for Oaths in and for the Province of Manitoba  
My commission expires \_\_\_\_\_.

256

Assessment: 15 Nov. 2023 at 11:28 am CST  
Current from 1 July 2023 to 13 Nov. 2023

Date de certification: le 15 nov. 2023 à 11 h 28  
À jour du 1<sup>er</sup> juil. 2023 au 13 nov. 2023

In terms of what your duties, obligations, and responsibilities are as members of your board, you have a technical prescription for that found in your board's code of conduct. And what does the code of conduct first and foremost require of you, O trustee, but to respect others and to maintain the integrity of your School Board.

You've also signed and hopefully had administered to you, an oath of office which calls for you to exercise those

duties with impartiality, and also  
without fear or favour.



## Laws, regulations, binding instruments (highly technical)



Next up, in the technical realm of leadership, you have an assortment of documents which I will call laws, regulations, and binding instruments (that's not duct tape by the way!). Binding instruments in the legal context are those legal agreements that Canada may have ratified, that you are expected to fulfill and implement every day.

So here's some examples. The provisions of The Public Schools Act, the provisions of The Human Rights Code of

Manitoba, the provisions of The Charter of Rights and Freedoms, as well as the UN Convention on the Rights of the Child, which is a binding instrument which you are supposed to implement in your daily work.

The challenge in applying technical expertise and leadership using some of these documents is that they may not entirely stand alone on their own to provide you with direction in how to arbitrate between where one person's rights begin and end. Oftentimes, these legal provisions have also been subject to legal contest around how one organization, group or person has interpreted them to apply versus how another person, group or organization has interpreted them to apply.

So...

## Case Law

(Esoterically  
Technical)



***Burjoski v. Waterloo District School Board Legal Foundation***  
(November, 2023)

Right of public delegations to be heard / right of school boards to discontinue delegations

***Gillies v. Bluewater District School Board*** (May, 2023)

Significant legal test established re: necessity of safe and inclusive environments during school board meetings

***Hansman v. Neufeld*** (May, 2023)

One must give due regard to "groups especially vulnerable to expression that reduces their worth and dignity in the eyes of society and questions their very identity".

***NCCM, CCLA v. Quebec*** (June, 2023)

Right of decisionmakers to impose prayer bans in schools

***Houston Community College System v. Wilson*** (November, 2021)

Affirming school board rights to exercise censure

In addition to all of those technical instruments, you also have jurisprudence or case law, and there's been a lot of it lately when it comes to defining what gets implemented at a local level.

So in Canada at current time, we have a recent decision that defines whether boards have the right to stop public delegations at their meetings. In November, following Fall PD Day, Ontario ruled that a board cannot interrupt freedom of expression from a delegate as long as what the delegate

is saying is appropriate to express their concern. The court specifically ruled that provincial human rights codes do not provide boards or themselves have legal authority to interrupt speech on anything. Now the tricky part about case law is that oftentimes, you must be aware of what the final decisions look like in other cases and in that respect, the Ontario decision must cooperate with two earlier decisions in Gillies and Hansman. In Gillies, the court established a significant legal test for school board proceedings such that a school board must promote the necessity of safe and inclusive environments at all times during meetings and to that end, a legal test was established: if a member of the group or community that belongs to the identity being discussed by a delegate is being attacked by that delegate in their speech, would the presence of that member of the community lead them to believe that they are safe and included or would such a speech cause harm? Second, in Hansman, again around

freedom of expression, the Supreme Court of Canada specifically ruled that school boards must give due regard to “groups especially vulnerable to expression that reduces their worth and dignity in the eyes of society and questions their very identity.” So while these many decisions may appear to be contradictory, they do in fact align: my simple advice, know when the line has been crossed between discrimination, hate-speech or any speech that would cause a student, if present, to feel unsafe. In Burjoski, the delegate was expressing her

concern that a book related to transgender children was inappropriate due to what the delegate felt was a lackadaisical depiction of gender-based transition. The delegate was not uttering any form of discrimination or hate-speech and frankly, was not saying anything that would make a transgender student feel as though they were unsafe. Quite contrary, the delegate was expressing that the manner in which this book portrayed gender transition did not give

due credence to the emotional, personal, and very challenging decision that a student experiences when they feel they must transition from one gender to another. The board chair interrupted that delegate's freedom of expression mid-course when perceiving that this speech was a violation of the Ontario Human Rights Code. Of course the act of doing so was likely motivated by the best of intentions but was also not seen by the court as justifying what ended up being interpreted as

an invalid interruption of the delegates freedom of expression. The delegate had not expressed hate or discrimination towards transgender students and had neither said anything that would lead to a transgender student feeling unsafe in the presence of such speech.

Two other recent cases I will touch upon here.  
National Council of  
Canadian Muslims and  
Canadian Civil Liberties



Association versus Quebec. At issue here was the right of decisionmakers, in this instance at the provincial government level, to impose obligation upon school boards to ban prayer in schools. In this case, the judge decided not to resolve the question of authority but was very clear that banning prayer in schools was discrimination.

Lastly, because of Canada's legal foundations, one can from time to time argue Canadian, British as well as American case law before our courts when making one's arguments. I believe Wilson to be one such case decided by the US Supreme Court two years ago. In that case, Wilson complained that his freedom of speech

was unduly limited by the school board at the Houston Community College System because they voted in the majority to censure his speech. Long story short, the Supreme Court in that case found that the practice of censure is a longstanding parliamentary practice dating back many centuries. In the end, exercise of censure by a school board is the

equivalent of the board collectively expressing its own freedom of expression in response to any speech made by an individual member of the same school board. As such, it does not reflect misuse or abuse of school board authority provided that the censure is exercised in good faith and in keeping with appropriate context for its use insofar as the speech to

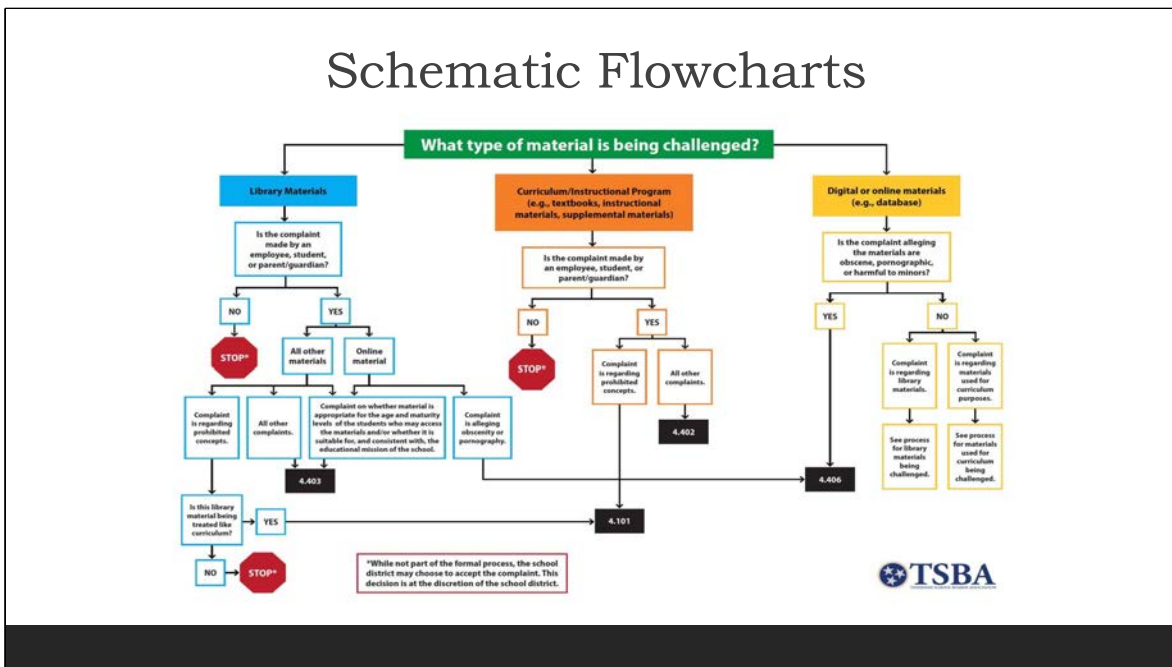
which it is responding does bear evidence of some challenge to the integrity of the school board or of proper conduct of individual board members.

So lots to think about when it comes to how and why case law is so vitally important to understand when governing in divisive times. In and of itself, the Charter of Rights

and Freedoms guarantees Freedom of Expression to all Canadians. It is the judicial decisions around that Freedom that serve to help you as school boards interpret where one person's freedoms and rights begin, and when they end. And as you can see, these five cases are just a handful of the hundreds that exist and continue to be decided on a daily basis, which

is why you are greatly encouraged as school boards to reach out for support to arrive at informed decisions if ever the divisive matters before you engage with some form of legal dimension, right or freedom.

# Schematic Flowcharts



So those are the main sources of technical tools currently at the disposal of school boards for responding to divisive situations. Before we leave the world of technical leadership, I wanted to show you some of the tools that other state associations have developed to address and respond to division in their community contexts.

This flowchart was developed by Tennessee in response to book bans, sensitive curricular topics and challenges to online information on school websites. I feel it provides our own context with some food for thought given that it asks some very important questions at each step of a school board's journey through each of these three challenges. You can read this on your own but I want to point out the three stop signs. Oftentimes, based on what school boards experience during these scenarios, you may and likely will get to those stop stages of the schematic. What they mean is either the delegate appearing to address these matters has no legal standing to do so.

Where a delegate or complaint is received that makes it past the 'stop signs', boards must define whether the matter being raised relates to an item falling entirely to the operational purview of the school division or must be curtailed due to human rights or other legal considerations. If as school boards it is defined as an operational matter, it is time to refer the matter to your administration teams. If the item invokes legal



considerations, it may be the wisest course to simply stop the conversation because it has become harmful to human rights interests or other legal protections. But remember the case law we just discussed. You can only stop expression if it is in fact harmful. As affirmed by the court in Bujoski “anything” goes up until the point that the legal test in Gillies is met or that the consideration outlined in Hansman toward vulnerable groups is achieved.



## Technical Public Information Guides

Some states, and this example comes from Washington, have developed K-12 Parents' Bills of Rights. Now you may think this plays into the much vilified as of late parental rights movement. The truth of the matter is that these parental bills of rights simply articulate how parents interact with their school system with the intent of raising awareness about the rights that parents already have, most of whom don't know that they have those rights or responsibilities. In this way, the

Bills of Rights dispel all of the myths, falsehoods and misinformation that is too often raised about what parents can and cannot do in the public school system.

# Toolkits



Some School board associations have literally produced toolkits on divisive times.

# Tip Sheets

 **Leadership | In a Divided Community**  
Leadership Tips and Talking Points

**Promote positive vision of education, opportunity, and inclusion in your community. Advocate for your school district's values.**  
Be clear about what your school community stands for. Routinely remind your staff, families, and community of your school district's shared values, with a particular emphasis on values like fairness, respect, inclusion, kindness, responsibility, equity, pragmatism, etc.

**Anticipate pushback and judgment ... and stay on message.**  
Diversity, equity, and inclusion (DEI) work is a hotly divided topic right now in the United States. No matter what your district does, there is almost certainly going to be a wide variety of opinion about it. There is no one course of action that is universally supported. Whether your district is doing very little related to DEI or whether your district is actively and assertively changing your system, you will be judged (that's a given) and you could find yourself targeted by national groups who lean on local citizens to promote their agendas.

For this reason, it is important to be clear about what actions your district is taking and why. **Be especially confident in your ability to articulate "the why."** Having clarity about the student needs that are guiding your decisions and actions will give you strength to stay on message when you are feeling targeted and stressed.


**Do not get dragged into a politicized debate about national ideas. Stay laser-focused on your students, their needs, and your local actions.**  
Respond as appropriate to critics, but reserve most of your energy for doing the good work of educating your community's children. Stay focused on your district's priorities and on supporting and leading the team that gets this important work done. Do not let issue activists distract you from your purpose.

Here are a few things you can say to redirect a conversation away from a debate of national ideas and toward a conversation that can be more productive:

- "Rather than getting caught up in the national debate, let's talk about what's actually happening here in our community..."
- Or, "Some people are using terminology like 'critical race theory' in ways that are confusing, but our commitments here in ABC community are pretty simple..."
- Then highlight equity-related aspects of your strategic plan or district mission and values, for example: serving all students, ensuring all students are treated fairly, empowering all students to succeed, working to close achievement gaps across the system, making sure our schools are safe and inviting places for all children to learn, etc.

Others have created speaking points to help their members through such rough patches.


# Kindness Campaigns



**FSBA BELIEVES IN HUMAN KINDNESS**

Times are tough.  
 FSBA feels passionate about coming together to make the world a better place for our students. Kindness is contagious.  
 As leaders, we need to be the spark.  
 Why don't we start here? Why don't we start now?  
 Let's show Florida FSBA cares about our children!

- I am going to...call a fellow board member and share one thing they do that makes my board better.
- I am going to... send a card to a principal saying thank you for the work they do.
- I am going to... send an uplifting email to a board member in a neighboring county.
- I am going to... take the board secretary a small token of my appreciation.
- I am going to... go to a school and say positive things to students, teachers, and staff.
- I am going to...call someone in my legislative delegation to say thank you for the work they do.
- I am going to...recognize a fellow board member at a meeting for their contribution to my district.



Florida School Boards Association | FSBA/FADSS 76th Annual Joint Conference | 2021

And our friends to the very far south, Florida, have literally have to hand hold some of their boards through the act of showing each other kindness. And so they have created a checklist of how to demonstrate human kindness towards one another. You can read some of the valuable suggestions that they offer. I hope a lot of you are already engaging in such expressions of kindness without the need for MSBA to develop such a checklist!



But... Do you actually have the skills to successfully navigate community divisions?

So those are technical tools. You can govern 24/7 using technical tools as school boards. But guess what? As soon as you leave the boardroom, you're gonna go to Tim Hortons and that member of the delegation or someone who subscribes to the same views they do, is going to be standing at the counter beside you. And what are you going to do?

Firstly, remember that school board matters are school board matters and

you cannot represent the views of the school board unless authorized to do so.

Secondly, remember that you are an elected official and as such, there is a fine line between what you do as a public representative and what you actually can do as a private citizen, most of which you gave up the second you sought to have your name placed on a ballot.

But, if you are around the table with your friends and family or common acquaintances quite separate and apart from your role as trustees and some divisive topic arises, what then? So there's a different set of skills for that. They're called adaptive leadership skills. And this grey-bearded wonder, Aristotle, was the first one to really articulate what adaptive leadership was all about.



## Politicians Anonymous

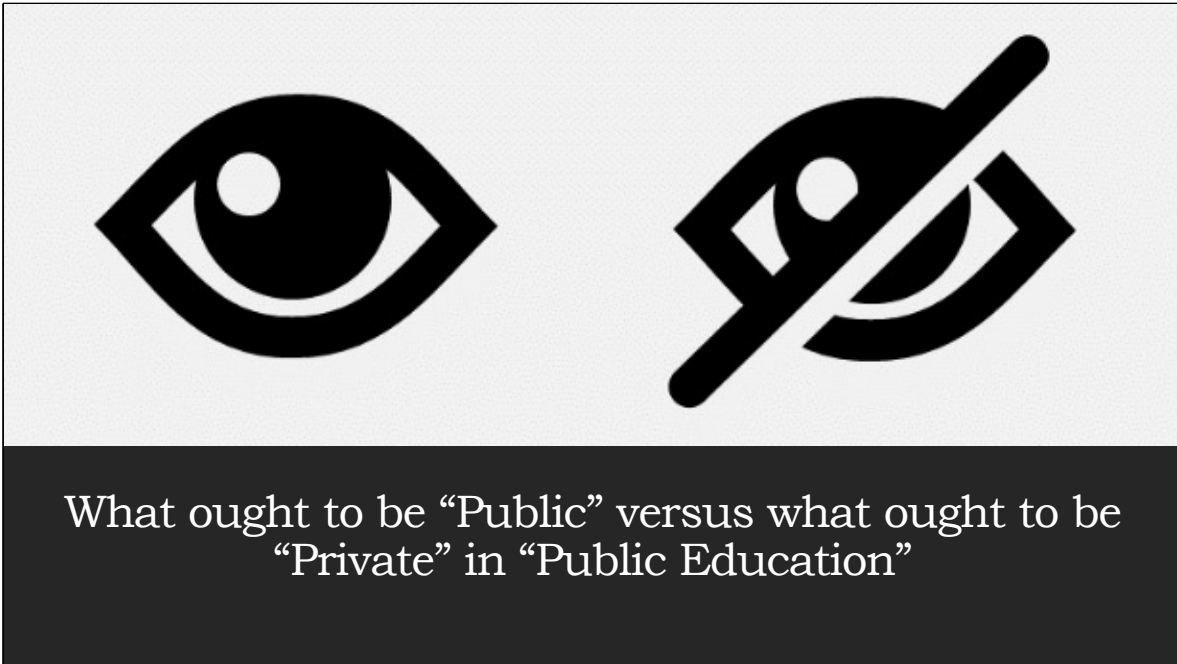
Lord grant me the tenacity to change the things I cannot accept...

and the skills to make that difference!



You may be the kind of person who attends politicians anonymous meetings, meaning you recite that group's prayer every time: "Lord grant me the tenacity to change the things I cannot accept, and the skills to make that difference!" Adaptive leadership is all about this kind of vision for leadership. Again, it touches upon engagement with the morals, norms, views, beliefs, ideas, and traditional structures and institutions. These will be profound changes and you will have

your own vision and perspective on  
"what ought and should be" that will  
and may differ from the person next to  
you. The things you wish to change  
because you cannot accept them..



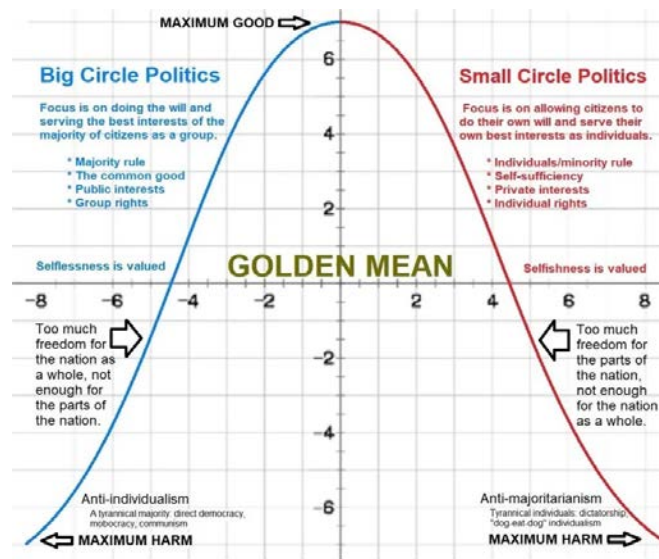
What ought to be “Public” versus what ought to be  
“Private” in “Public Education”

And the reality is, when such differences appear, or when such values or norms or moral clash and conflict with one another, this speaks directly to our conceptions of what ought to be public versus what ought to be private in public education.

Most important skill-set?

Start by being “mean” to one another!

You are elected officials after all



Aristotle provided the means, literally, to help you navigate such adaptation. The golden mean. I'm not going to wax poetic on what this mean, means. I'm simply going to say that it means achieving common ground. the happy middle ground in any situation that you might be confronted with. If you look at this slide after the presentation, you'll see what achieving the golden mean often known as "the consensus" actually refers to, when it comes to looking at the rights of minorities versus those who

majority, how you sort through the rights of the minority versus the rights of the majority, and how you can achieve compromise and consensus when you feel that when it comes to "others", their voice, their choice, may not be the one that you would support or wish to pursue. And yet, their voice and choice as a community member counts too.

“where one sees an elevated level of dialogue during public debate, one also sees a meaningful contribution to modern democracy”

Watt's theory of contention (2003)



So how do you get to such a consensus or happy middle ground? The answer, lies in dialogue.

Getting into my Time machine, I go back to a situation where I was asked as a young person to write a report on contention. At that point, the Privy Council of Canada had just come through a very contentious period while I was completing my studies and working in the Senate of Canada.

We not only had the very first Senator who was ever sworn into office on a

Quran but I was there to hear the first time in Canadian history that an indigenous language was spoken in one of our houses in parliament and recorded in Hansard. The changes happening were everywhere evident. We also explored every subject that, you can imagine, would rip society apart.

From same-sex marriage to anti-terrorism, as this was the 9/11 period. At the same time, we had the new Immigration and Refugee Protection Act, the Youth Criminal Justice act that would have reinforced Western ways of punishing children if it hadn't been for the indigenous voices that were in the Senate who said that Canada needed to consider traditional ways of disciplining children given the high proportion of incarcerated children coming from Indigenous communities.

There were so many other things that happened during that period as well, including the first time cannabis legalization was proposed. It's a hard thing to exercise leadership in these

times.

So in the study that I was commissioned to write on contention and what it meant, I needed a starting point. The dictionary defined contention as a point or counterpoint raised during the course of an argument or debate. And so from that working definition, I sought to scientifically quantify what contention might actually look like. What did it achieve? Is there a way that you can decide what is a contentious debate?

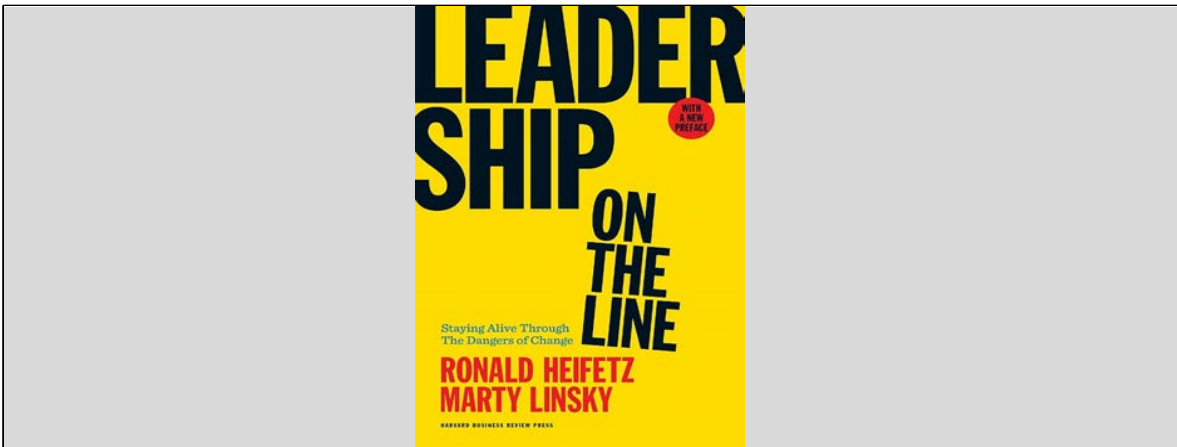
I literally counted the number of times that delegations and senators themselves spoke to an issue and rank ordered them based on how many issues, what issue, had had the most points and counterpoints spoken to them. As you can see on this slide, I drew one conclusion. **“Where one sees an elevated level of dialogue during public debate, one also sees a meaningful contribution to modern democracy”**

I didn't see many points and counterpoints raised on the National Horse Act. You can



imagine the contention raised during the dialogue on same-sex marriage by contrast. And what emerged from that process of tediously counting each sentence made in the Senate was this: those items that registered the highest number of contentions all made very significant and meaningful contributions to shaping our modern democracy. They tended to reflect an exchange of minds, a clash of civilizations, a confluence of ideas, values, norms, morals, traditions, preferences and opinions the sum of which came together to achieve some golden mean, some common ground, necessary to assure the peace of our society and to define when and how to “stop” and when to “go.” On the matters that mattered the most to all Canadians. And because these mattered the most, they also became the most contentious. How the end product came about after so much dialogue reflected, as far as my developing political mind could absorb, the end beauty of our modern democracy. It was the case that while one set of interests may have prevailed over others on some subjects, protections for those other interests was also always a foremost

consideration so that the public and the private, the beginning and end of one person's rights versus that of another, and how we can promote a society that is inclusive for everyone, would emerge as this final product. So let's get started on how you do this on the personal level, as an adaptive leader.



Some important reminders on adaptive leadership



**Each day brings you opportunities to:**

- raise important questions
  - speak to higher values
  - surface unresolved conflicts
- 
- orchestrate solutions to those conflicts

I come to back to the book on adaptive leadership "Leadership on the Line" by Heifetz and Linsky. What does it mean in a more simple way? You, as a leader, will raise important questions. You will speak to those higher values that people hold true and dear to their hearts. You will surface unresolved conflicts. and you will orchestrate solutions to those conflicts.



Get up on “your balcony”

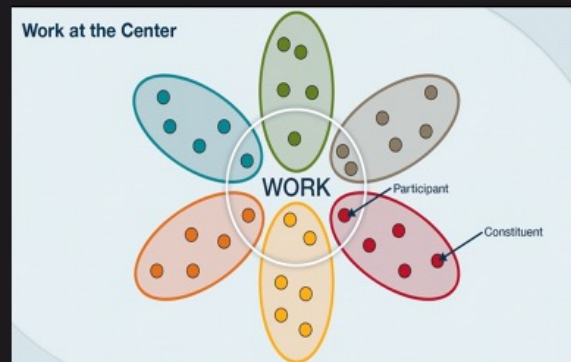
And many of these actions as an adaptive leader requires you to get up on your balcony. Because if you're on the dance floor of raising questions, speaking to higher values, surfacing and resolving conflicts too often, you're “too into it.” You need those times where you distance yourself in order to gain or regain compass and composure, before you engage in some of those issues that are the most divisive in our society. Not doing so will mean that you are not the most effective

leader you can be for your community. Are you now starting to see why I asked whether you "love yourself enough" to do the important self-care and healing necessary to action what is at hand as an adaptive leader? The core essence of adaptive leadership involves some pretty heavy lifting. You need to develop your muscles if you are going to succeed.

## How can leaders put the shared work "at the center"?



- Help factions and constituencies to refocus on the work
- Encourage them to become a participant in the work
- Create the conditions where group loyalties are not reinforced
- Address fear of group betrayal
- Remember that you represent not a faction or constituency but "everyone who is trying to do the adaptive work"



From the work of Professor Chris Robichaud at the Harvard Kennedy School of Government: Another way of looking at how you achieve consensus or the happy middle ground means "putting the core work at the centre." What can most everyone agree on, even if it means raising yourselves to the 36,000 foot level, to come to some agreement? The picture at right is not a hippie flower! It actually is a model that shows you that as you undertaken any key work of engaging with others at any given point in time on any given issue, that there a bunch of factions in society all of which

have some varying perspective or different point of view (according to their differences of identity and potential for divisions arising from their moral interpretation) on that same subject or issue.


All of these factions are competing for their voice to be heard when it comes to that issue. By identifying what they all share in common, and what you can work with all of them on together rather than individually, you will come to a common ground that works for the majority. Now, unfortunately, there will be those who are outside of that magic circle in the middle creating ongoing division for those who do want to work with you. You can and should however, continue to identify what the important work is that you can use to rally them and move forward with that. If you become embroiled and embattled in trying to please or appease every faction, you will quickly burn out. It does not mean that you ignore those outside of the circle- remember, there is a difference between exercising the



public trust for all members of your community versus every member of your community- but you need to stay focused on what will eventually lead the most folks to join together before you can work on including everyone, and this is the key starting point you can use to get there. Adaptive leadership is not a "one and done solution for compromise". It is an ongoing, evolving journey of constantly engaging the most people at any given point in time and then, once you have achieved a small change, then continuing working with those others who did not join in common cause to try and identify the next "work at the centre" that will rally and unite even more people together towards a shared end.

I hope this makes sense because this approach will solve a lot of divisiveness that exists.

## Simple Slogans of Adaptive Leadership



Adaptation means taking forward the "best" from the past and moving towards something "even better"	Know your "why"	People don't fear others, and don't fear change They fear loss
Put the work you hope to achieve "at the centre"	Getting to "yes" may actually mean saying "no" (how you say it matters)	Are you ready to disappoint people at a rate that they can tolerate?

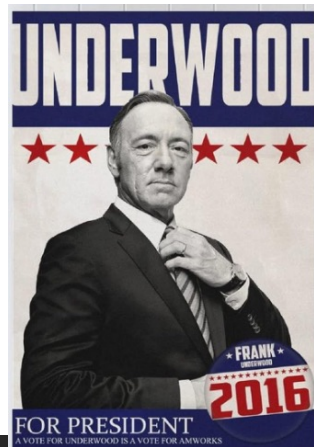
There's some other important things that the authors of Leadership on the Line also shared, which I think are important, and so I will repeat them.

Adaptation and practicing adaptive leadership means taking forward the best from the past and moving towards something even better.

People don't fear others, and they don't fear change. They fear loss. When people come before your board, and

they're upset and angry because you've potentially looked at something that they feel will result in the loss either of their core values or what they now enjoy and hold as members of a privileged group in society, they will fight back. For underprivileged groups, they may fight back if the change involves the loss of some protection or regard that they have held in the past that may be taken away. So if you can get up onto your balcony to recognize what people may stand to lose and address that beforehand, you often will have success when it comes to engaging others.

Part of exercising adaptive leadership means again, with so many factions, there's going to be those outside of your circle, and you're going to disappoint somebody. But are you going to disappoint them at a rate that they can tolerate? Because that's an important consideration. If you're too far ahead of them in your change agenda, or too far behind them, it's not going to be a recipe for success.



**Now... something for everyone**

Now, something for everyone, whether you're an Underwood or a Kirkman (for those of you who may be fans of "House of cards" or "Designated Survivor", both of which depict two very different men in one very similar post, that of President of the United States.)

## **Looking out for #1**

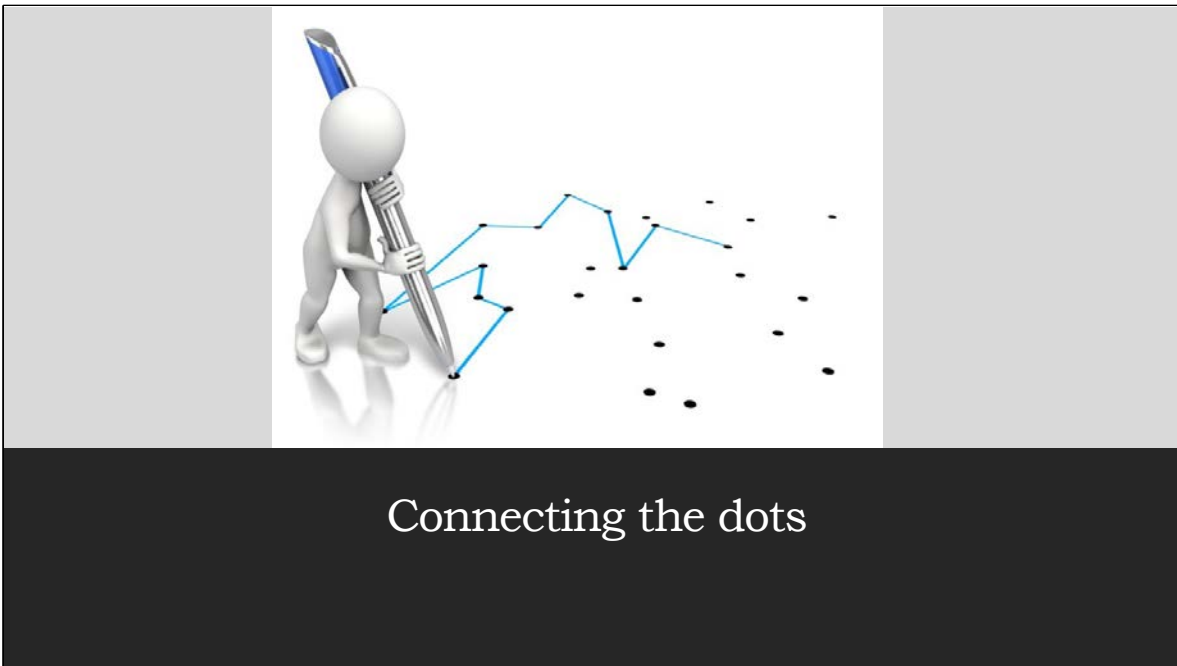
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What is the number one question you can ask in your roles as elected officials that leads to dialogue rather than debate?



Don't stop beseechin'  
"that's interesting... can you tell me more?"

From the work of Professor Julia Minson at Harvard University, who has conducted significant research on what leads to sustained engagement with others, this question is "that's interesting... can you tell me more?" And you can see from the young lady on the left that she's not too enthusiastic about what the young lady on the right has say, but she's still listening. Now, you may not want to hear what the other side has to say at all. Why should you do it anyways?



Because it helps you to connect the dots between your vision and values and those of the other person and this in turn helps you to identify the work at the centre. Because the more they share, the more you can identify what you might actually hold in common with them, and start to connect the dots towards working on something that you all share in common.



Respect. RESPECT. It shows respect when you listen to others, but we don't often pause to think about what respect actually means. It means to look at things a different way. Spectus is the Latin word for vision. So respecting something means that you choose to look at it twice or look at it again and to see the other, and their views, potentially for something that you never thought they were in the first place.



Listening to  
“their full  
story” can  
often be very  
strategic

You need to learn from your  
“enemy” in their “camp” in order  
to take away what you need for  
the benefit of your “own camp”.



Now, I had the Frank Underwood poster up there because sometimes politics is a mean, nasty game, and you may not want to listen others. So why should you, the members of the Underwood clan, listen to the other person? Well, if you really want to take it that far, it's because “loose lips sink ships.” The other side may be their own undoing, depending on what it is that they're sharing with you. Please do not get me wrong here! I don't mean this to set up so that the other side to your

point of view or philosophy or ideology is your enemy. But what I do want you to know is that by listening to them, they might reveal something that is very strategic for you to know that you can engage them with to actually help bring them around to your way of thinking.



Don't stop seeking

"Seek first to understand, rather than to be understood"

Don't stop seeking. Seek first to understand rather than to be understood. Extracted directly from the work of Dale Carnegie who wrote, so many years ago, that golden standard "How to win friends and influence people."

As Indiana Jones shows us, if you're going to start touching other people's gold idols, you better seek to understand the other and what you have to offer, that's going to avoid getting

an arrow through your heart!

## “Understanding others” doesn’t mean the loss of also “being understood”

you want to be high in **both** empathy & assertiveness

blue shading indicates degree of persuasiveness

### ★ being both

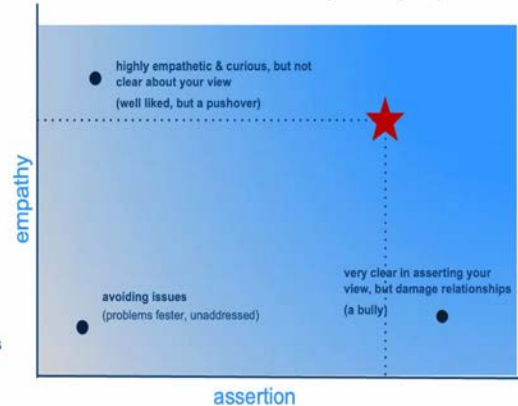
- high empathy (curious, open, a good listener, especially when in disagreement)

and

- effective assertion (clear about your own interests, reasoning, and criteria)

is actually most persuasive.

This also tends to build durable working relationships over time



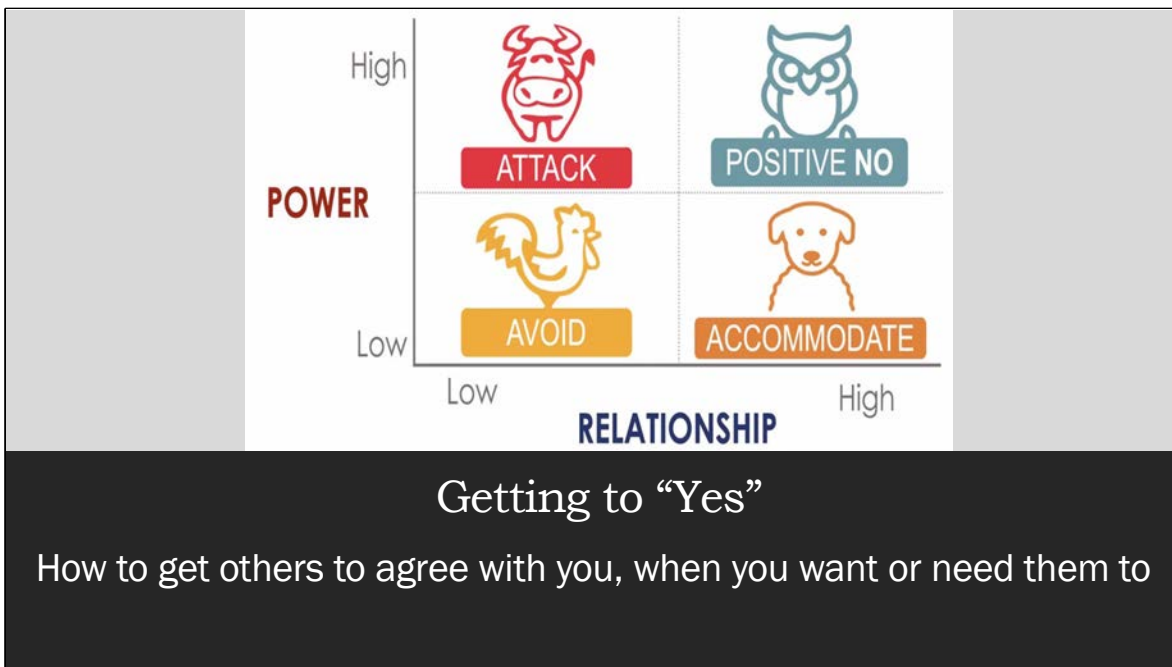
But seeking first to understand rather than being understood, doesn't mean that you also don't have the right to be assertive yourself. This slide I have generously borrowed from the work of Dr. Sheila Heen of Harvard's Program on Negotiation. As you can see, seeking to understand (being empathetic) must be carefully balanced with also being assertive (seeking to be understood) because if there is an imbalance, you will not build durable working relationships over time due to the fact

that one side asserting themselves too much means that they bully you into their way of thinking and being too empathetic means duck and cover behaviours that lead to avoidance of the issues that are at hand.



## The secret to life on earth

Now, you didn't know when you signed up for this workshop that I was going to reveal the secret to life on earth. But here it is.



As gleaned from Professors William Ury and Brian Mandell, also of the Harvard Program on Negotiation, how to get others to agree with you when you want or need them to. There is a nice little tool that I have learned through the studies that I have been given from both of these renowned experts about the power of a positive no. Not everyone is going to agree with you nor you with them. How you say “no” to somebody makes all the difference, and how your message is going to be understood. And when you are dealing with your peers in community, whether



at the boardroom table or around the restaurant and kitchen table, the power and relationship both sides share will always be "high", so you need to practice the power of a positive "no" because attacking, avoiding and over compromising just suck, don't they?. So what does this look like in practice?

## Positive **NO** Is a Sandwich



Again, from renowned expert William Ury, the guy who US Presidents call when they need a negotiator: you start by framing your interests. Then you move to no, when it comes to the thing that you actually want to say "no" to. You then you reframe the conversation with a proposal around which you might have common ground. Something that both you and they can agree on and work on together.

So just as an example: honey, it's been a long day at the office, and we both

need to just relax, I know (stating your shared interests), and I know you've begged and pleaded but I can't give you a foot rub (their demand or behaviour), but if you massage my back first, then we'll talk (your proposal). Now, I wouldn't recommend trying this "positive no" at home. I tried it. It doesn't work all that great!

In all honesty though, let's take a better example. Listen, Frank, we both were elected to serve our community, and we have the interests of our community and our students at heart. We want what's best for them (shared interests). I know that you want to discontinue the hot dog program because you value healthy eating habits. However, a lot of kids like it (their demand or behaviour). So can we maybe look at introducing healthier foods for hot dog day instead, in a way that respects everybody? (your counterproposal).

I'm going to tell you that 9 times out of 10, using this adaptive tool results

in a more positive response than just saying, "No" or "I don't believe in what you have just said".

# Life, as a whole, is a negotiation

So you need to deploy your “collective bargaining” skills to each and every situation!

1) Zone of Possible Agreement (ZOPA)

2) Better Alternative To a Negotiated Agreement (BATNA)

- What can you agree on?
- What are you willing to concede?
- What happens if the other side walks away?
- What will cause them to walk away?
- How can you bring them back?

Now why did the positive “no” regarding the foot rub and back massage fail, while the healthy hot dog day worked? When you exercise that positive no, you have to know in advance what the zone of possible agreement looks like. What are they going to agree with you on when you're framing the proposal that you're going to present to try and get them to work with you? And you also have to know what their better alternative to a negotiated agreement looks like. Are they going to pay attention to you? Are they going to stay engaged with you, or

are they going to run in the opposite direction when you present what it is you have to present?

What can you agree on? What are you willing to concede? What happens if the other side walks away? A lot of you attended Morgan Whiteway's recent collective bargaining PD sessions. I hope you got a lot of these principles. Life is a negotiation, in every single facet. You have to practice negotiation skills if you're going to navigate through divisive issues. Know your zone of common interests and what will be agreeable and don't try to assert your need for a back massage over the foot rub or else you're both going to walk away empty-handed and potentially, with closed fists!



Finally, you have to know when both you and they are willing. Because a lot of people are willing to get up and state their claim. But you have to know if you and they are also ready to do so. And there's a huge difference. Some people love jumping into a debate and shooting their mouths off saying what they believe or want the other to hear. But is the other side ready to hear that message? And how do you know if they are? How do you know if you're even ready? It's a tight rope. I can't

provide a formula that will help you. It's up to each individual circumstance and getting up on the balcony and asking this vital question of whether you and they are willing and if you and they are ready, will help address community division much better than not asking such a question.





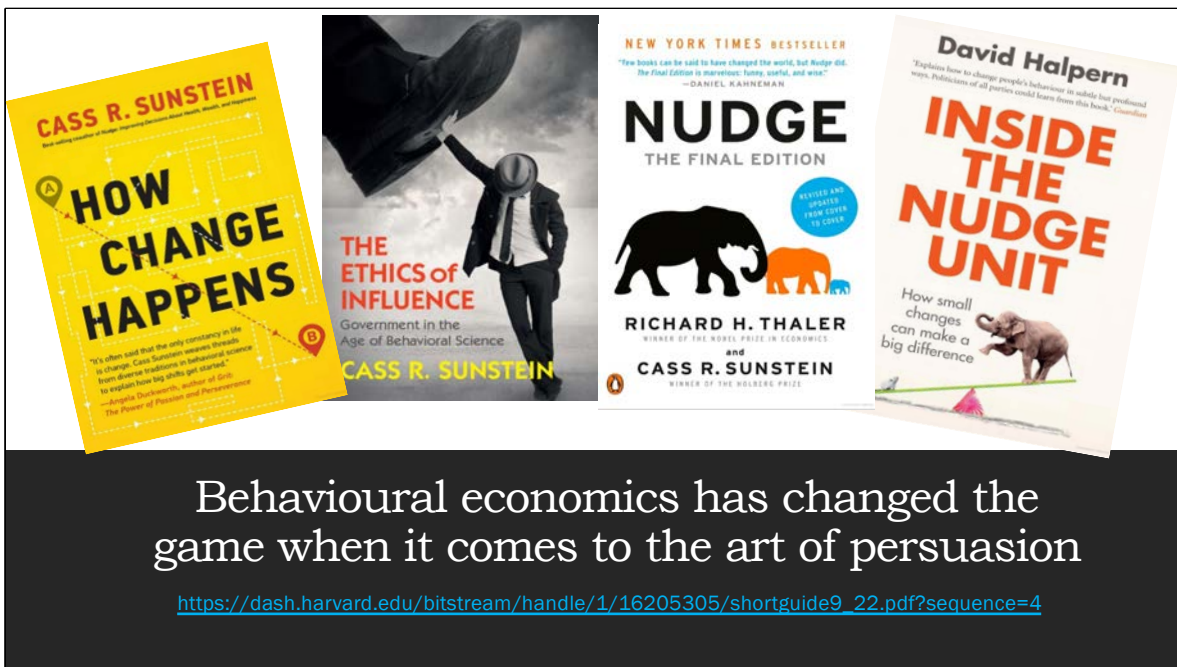
The second secret to life on earth



A little “nudging” might be required if they ain’t  
“budging”

How to get others to do what you want them to, when you want them to

The second secret to life on earth, is how to get others to do what you want them to (again borrowed from the genius of Dr. Brian Mandell at Harvard).



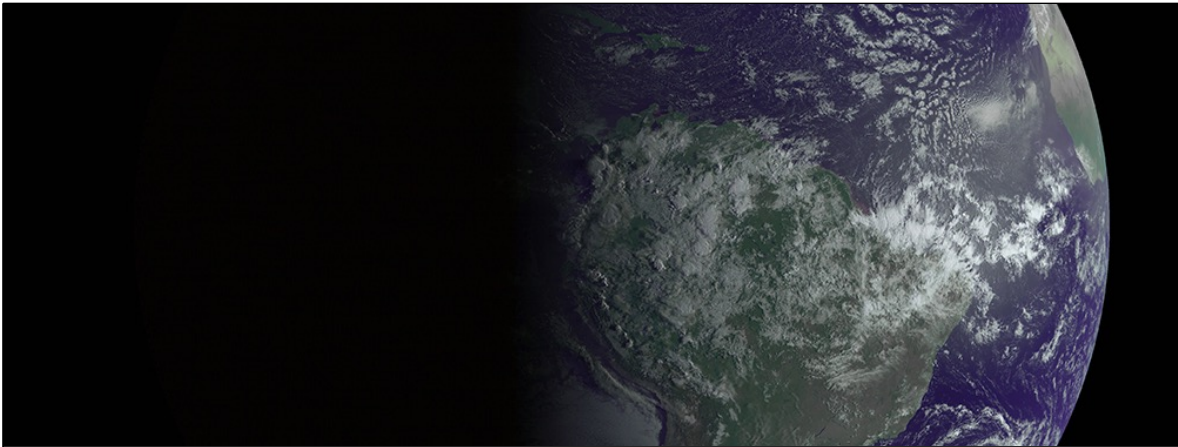
## Behavioural economics has changed the game when it comes to the art of persuasion

[https://dash.harvard.edu/bitstream/handle/1/16205305/shortguide9\\_22.pdf?sequence=4](https://dash.harvard.edu/bitstream/handle/1/16205305/shortguide9_22.pdf?sequence=4)

Now, aside from being an evil puppet master, there are tools that you can use from the field of behavioural economics to get them budging through a little nudging. You have the link here where to find out some of the subtle ways that you can influence others, and their behaviour.

Cass Sunstein, Richard Thaler and David Halpern are leading theorists in this important field of "nudging". All three emphasize that in order not to

manipulate others, because once they find out they've been manipulated you better prepare for even more division than you tried to overcome, the key is to use approaches that preserve their freedom and liberty. At the end of the day, you are encouraging and engaging with the "other" so that they freely choose to come alongside and work with you. You don't want to be manipulative. You don't want to coerce, instead you want them to come on common ground with you of their own accord and this link will take you through some of the tips for how to do just that.



You also need to know  
the dark secret  
to life on earth

Now according to Dr. Mandell, there's a dark secret to  
life on earth as well.

**There are some  
who are not  
invested in**

- your success
- your school  
division's success
- your community's  
success



Their common tactics to take you off course:

marginalization  
diversion  
attack  
seduction

Some people are not invested in your success. Your school division's success, or your community's success at all. And going back to Heifetz and Linsky, what these provocateurs will do is to try to marginalize you. They will try to divert you, they might outright attack you, and sometimes they even try and seduce you. You have to be on the lookout for these 4 types of misaligned investments in your success because they're part and parcel of what it means to be a leader.



So when do you draw your line in the sand?

Some of you signed up for this workshop because I promised you that we would define what and when and how to draw your line in the sand. Oh, goody! When is enough, enough? Well, the surprise here is, I'm not going to talk to you at all about you standing on one side of the line versus "them" on the other. I'm going to talk to you about your own line in the sand, and when you need to draw it.



## Know your “why”

And to thine own self be true

You need to know your why. What are your values? Where do you come from. But as public trustees guess what? In keeping with the two definitions that we talked about right from the start, your why means exercising love. It means exercising the public trust. You need to place your personal values, ideas, beliefs, norms, and morals up your sleeve and wear your heart on that sleeve. That is your why. When you sit at that boardroom table, everything ties back to it. But I have different



values, different interests, different morals, different histories. I'm here to represent the three people in the community who think, feel and act the same way I do. That's fine. But even so, they need to always be exercised in respect of love and the exercise of authentic public trust and what both require of you, which sometimes means you have to give up what you believe, where you come from, what you hold dear, because that may not necessarily be what the right thing is for the best of your community or, as we discussed, may not be technically legal or permissible given the many tools that have been provided by governments to guide your behaviours and interests towards the common good, the golden mean.

## Leadership is an emotional practice

- Emotional Intelligence (Goleman)
- Passion versus reason
- Incidental versus integral



## Don't pull, or let others pull, your trigger

Managing emotions is critical to successful dialogue

Emotions get the best of us at all times. Don't let others or yourself pull your own trigger.

Study Daniel Goleman's seminal work on Emotional Intelligence and what it means. Know when your passions are going to overtake your reason.

Recognize what, as Dr. Jennifer Lerner of Harvard Kennedy School and Co-founder of the Harvard Decision Science Laboratory states, are incidental emotions (fleeting and passing emotions

caused by some action-response incident that makes your entire day "good" or "bad") and integral emotions (emotions that guide your actions because they are your moral compass in how you conduct yourself when confronted by someone or something that engages with your own identity, values, beliefs, or ideas).

## Solutions for reducing emotional impulse:

- 1) time delay
- 2) suppression
- 3) reappraisal
- 4) the dual emotional solution
- 5) awareness of emotional misattribution
- 6) choice architecture



## Taming the Grouch Within

What are some tactics that you can use to stave off those incidental emotions? Well, the best one is time delay, of course. Don't immediately hit the send button on that Facebook post. Make sure you pause and reread it before you do!

Suppression we'll get to shortly.

You can reappraise the situation by getting up on your balcony and thinking it through. Is this really something that is offensive to me personally? Or why am I interpreting it this way?

You can actually balance out emotions by trying to convince yourself of the opposite emotions in the very moment you're experiencing one set of emotions. That's very difficult to do!

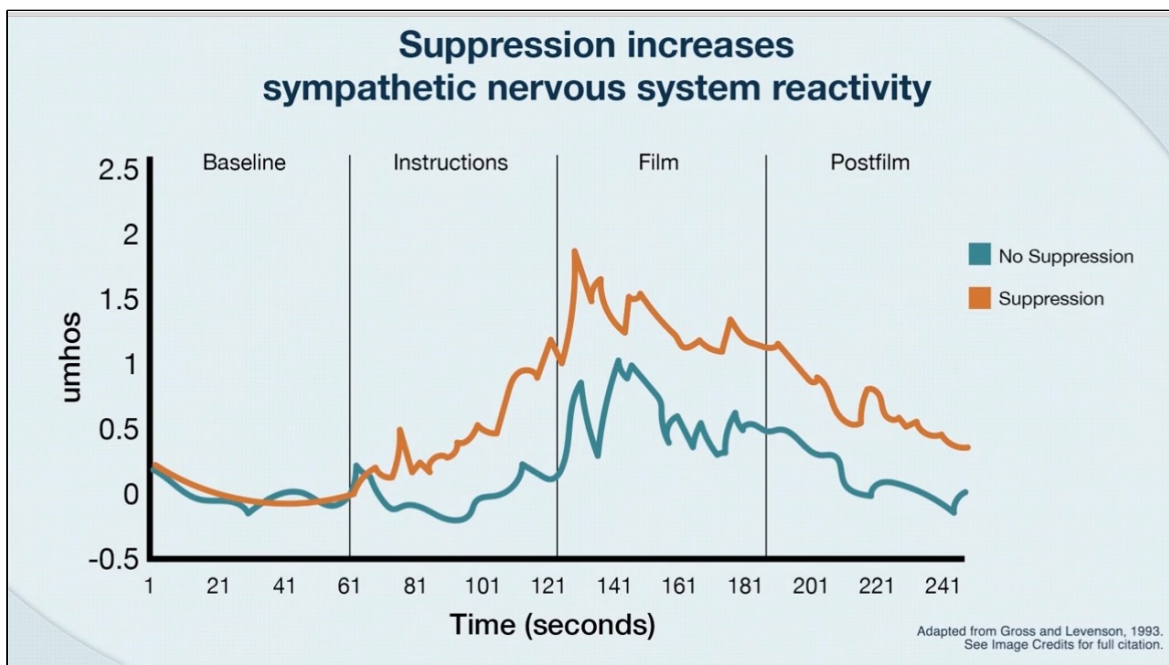
You can look at emotional misattribution. What does that mean? It means that if somebody reminds you of somebody from your past who you haven't had a positive interaction or engagement with, you may actually misattribute that other person with the person who's standing before you, and you have to be aware of what will trigger you because you might do things that you wouldn't do just because you have a false sense of who that other person is.

Finally, choice architecture. What does this mean? Well here's the best example. When a School Board hears a delegation, what we have advised you to do is to thank them for their delegation, and to go away and review it as a board BEFORE responding. The

second you start to retort in public to that member of the delegation who is standing before you and making their cause, what they are sharing may be something that's very emotional for you. You're going to get into some very hot water if you speak what comes off the top of your mind right then and there.

There's no such thing as a reason before passions when it comes to emotion. The only Nobel Prize winner that ever won an award for public administration was Herbert Simon. He won it because of his theory of what he called the "trash can model of decision-making." As much as Simon tried to find a formula, a magic bullet that would allow you to make an accurate decision 100% of the time, he instead found that most decision making is a messy business, with much being based on initial reactions, emotional reactions that people often have to any given situation. He likened decision-making to what happens in the trash can!

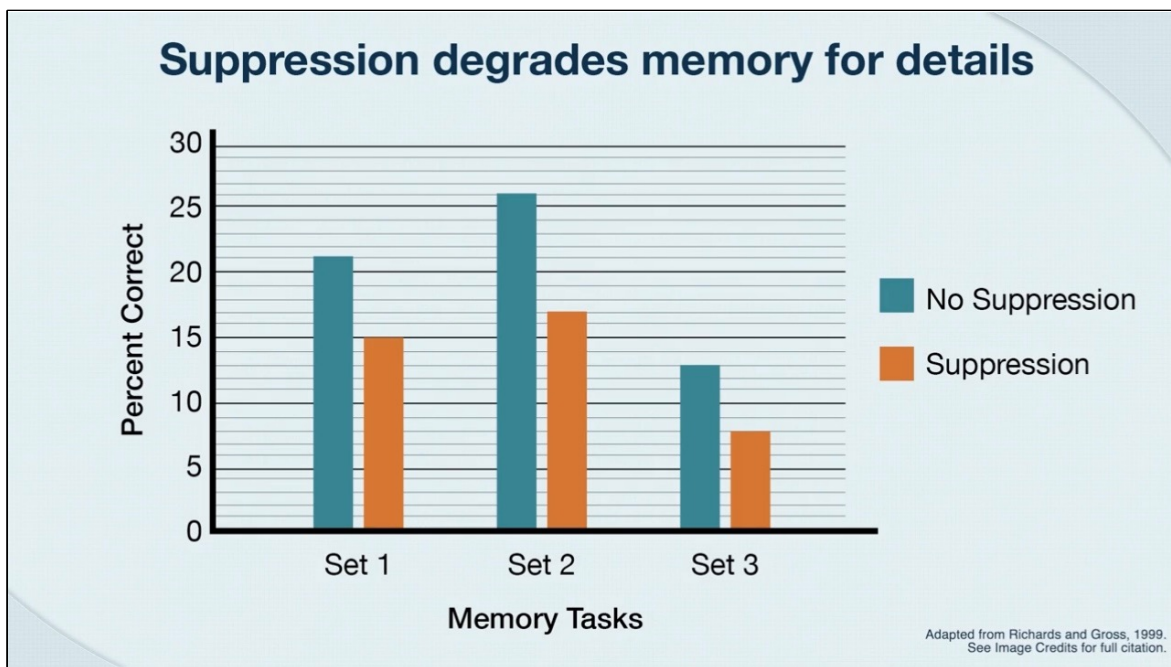




Now, when it comes to suppression. Don't do it. Don't let it out on the spot either. But if you need to let it out, do it in a safe space. Next two slides show are graphs showing you studies that were done by some very noteworthy researchers, Gross and Levenson, when they asked members of a study group to suppress their emotions while they watched a disgusting film. You can see that the baseline, the far left. This is the amount that they were sweating before they even had the



instructions read to them that one group was to suppress, and the other was to let it out. For when they actually watch the film second from right, you can see that those who were most profusely sweating while watching the film were those who were asked to suppress their emotions. Literally, their entire body was reacting to the emotion that they were feeling, but couldn't let out. And when the film was over at far right, those who were told not to suppress their emotions almost returned to the baseline. While those who have been asked to suppress their emotions were still sweating just as much as they were beforehand. which means that this has long term physical consequences for you, should you decide to suppress your emotions.



Somewhat similarly, your memory along with your entire cognitive wellness also suffers, if you suppress your emotion. Scientists Gross and Richards conducted a similar study to the one using the film. In this study however, their research participants were told to look at a very disturbing image, and to remember as many details as they possibly could about that image and to relate them after the fact. Again one group was told, suppress your emotions while you look at this photo, the other

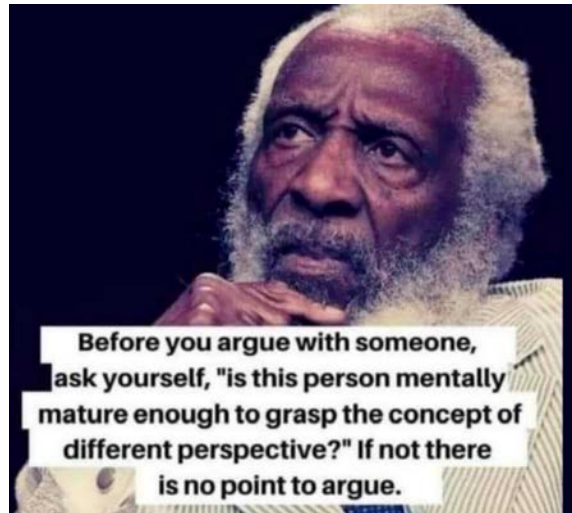
group was told, let your emotions out. Surprisingly or not surprisingly, what happened afterwards when they were asked to recount as many details about that photo as they possibly could, was the fact that those who suppress their emotions had far less ability to recall anything that they had actually seen, even though it was the very thing that caused them such distress!

The difference  
between  
willingness  
and readiness

Give yourself permission  
to “walk” away

BUT

That does not mean  
“running” away!



When you draw your line in the sand, it can often depend again on how willing you and they are, and how ready you and they are, but especially how willing and ready you are. The people in your community elected you to exercise trust in making the right decisions for their schools. To make the best decisions for the entire community when it comes to education. If you find yourself too emotional, or not willing and ready to engage, feel free to walk away but do not run away. If you feel like running

away, that is when you know you've  
reached your personal line in the sand.

6 **Bookends of Negotiation: Powerful Openings and Closings**

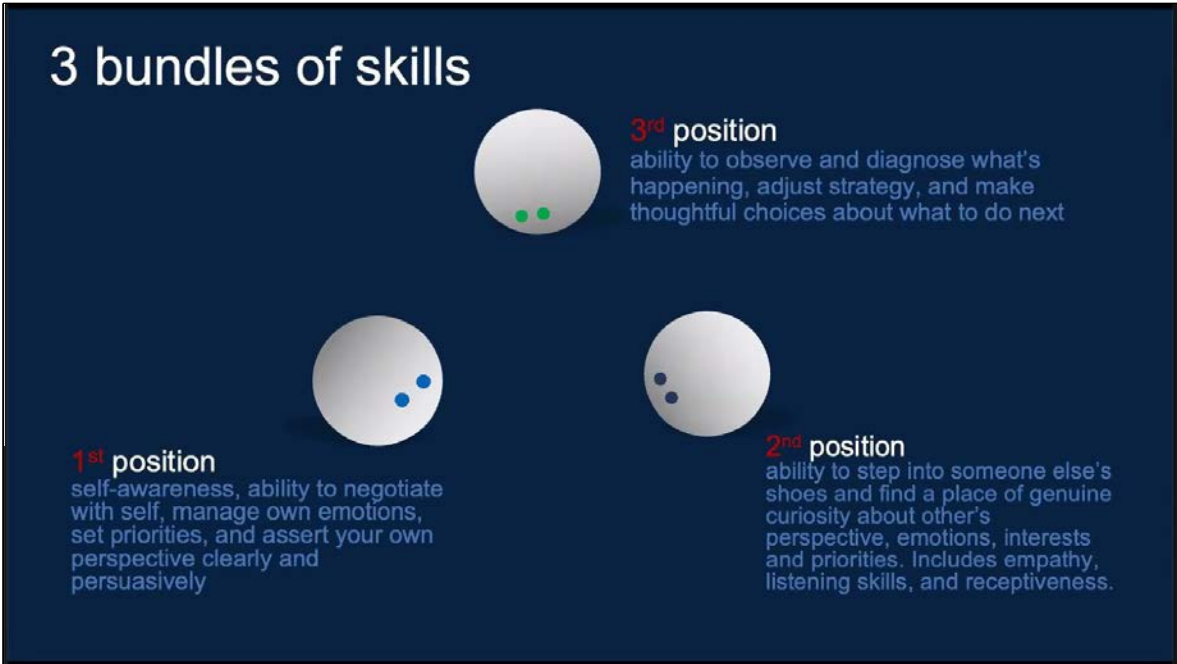
FIRST 180 Pre-anchoring moves: setting the table	Joint problem-solving and deal crafting: challenges and opportunities	LAST 180	
		Phase I: synchronizing expectations and moves	Phase II: navigating last mile hurdles and complications
<ul style="list-style-type: none"> <li>Build rapport and trust</li> <li>Frame process and relationship expectations</li> <li>Communicate conversational receptiveness</li> <li>Propose agenda that reflects interests and priorities</li> <li>Ask probing and clarifying questions</li> <li>Share information incrementally and reciprocally</li> <li>Signal readiness to make first offer</li> </ul>	<ul style="list-style-type: none"> <li>Overcome relational and structural barriers to problem-solving</li> <li>Identify and capitalize on trigger point moments</li> <li>Adjust and alter scope of negotiation</li> <li>Address interest of parties beyond the negotiation table</li> <li>Manage multiparty challenges and group decision-making</li> </ul>	<ul style="list-style-type: none"> <li>Secure commitment to deal implementation</li> <li>Respond to hard bargaining and manipulative tactics</li> <li>Leverage turning points to adjust process and relationship expectations</li> <li>De-escalate conflict; minimize cycles of competitive value-claiming to avoid impasse</li> <li>Synchronize back-table priorities with aspirations at-the-table</li> </ul>	<ul style="list-style-type: none"> <li>Reframe challenges to credibility, competence, and expertise</li> <li>Monitor and manage "last minute" demands and concessions</li> <li>Write counterpart's victory speech</li> <li>Include dispute resolution mechanism for future contingencies</li> <li>Assess final deal's objective and subjective value vs BATNA</li> </ul>
Building momentum	Shaping the deal	Closing the deal	

**When to negate the negotiation**

Managing the process is critical to successful dialogue, compromise and agreement

Negotiation is a very sensitive art to master. The research studies have shown that you literally have 180 seconds to make a good impression, and to make that negotiation successful. I have taken this slide from a presentation given by Dr. Brian Mandell at the Harvard Program on Negotiation. There's a lot of things you can see that you need to do, in order to set the right tone for that individual negotiation to be successful. If you find that you cannot successfully frame up these many

compinents in a way that works for you or will work for the other, its time to draw the line in the sand. But I want to turn to two big ideas in closing.



Again from the work of Dr. Sheila Heen. 3 bundles of skills for governing in divisive times and these sum up most of my preceding presentation.

As we talked about, you need to be self aware, and you need to love yourself and to do the work that you need to do, to know what you stand for and to avoid the past hurts and pains that might surface as you're exercising this type of leadership. Manage emotions. Think through, up on your balcony how you are



going to engage the other. How you are going to seek to understand but also to be understood.

Secondly, you need to have the ability to step into somebody else's shoes and understand them and be able to work with them on your common ground. If you ever find that you can't do that, it's time to walk away.

Thirdly, you need to observe and diagnose what's happening before you, and to adjust your strategy. So you need to ask, is this a technical challenge that deserves a response using a law policy and protocol that we as a board have adopted? Or is this an adaptive challenge that deserves some of the other skills that I just outlined in terms of exercising dialogue, finding out what the other person stands for trying to find the work at the centre, the golden mean, or the re-spect that will succeed in moving forward together?



## Write “their” victory speech

Don't forget that yours counts too! If you can't write either your own or “their speech”, its time to walk away.

The final tool that I will present to you. Probably one of the best. After you have explored all three skill sets, can you write the other side's victory speech? If you can't. and if you can't even write your own. then it's time to draw your line in the sand and to get up on your balcony and rethink things through. If you can write a victory speech that recognizes where the other person is coming from and where you're coming from at the same time, this might lead to some success. Now don't

get me wrong, this is not you preparing a speech and reading it to the other person and telling them how they're going to win. What crafting a victory speech for the other side means is that you ready yourself, to be prepared to actually present those things that you articulated in the speech to them when you next meet to engage them in the dialogue that will lead to authentic leadership, the ability to overcome division. So in this tool, I have given you the answer for how you know when you are not just willing but also ready to engage with the other. If you can write their victory speech that results in a win win, then you might just be ready!



Your role as a public trustee is not an easy one, because you were called upon to deny yourself constantly for the sake of your community, while also arbitrating between all of these competing values, interests, ideas, morals in society to overcome division and move towards finding solid common ground. What you do is perhaps one of the most sacred functions of our democracy, especially being at the local level.

In concluding, I just wanted to share some thoughts with you. Few days ago we had the provincial Throne Speech, and for the first time a government actually acknowledged the role of our veterans in underpinning the democracy that allowed them to give that same Throne Speech.

Here we are just a few weeks after Remembrance Day and that same principle applies to you and what you do, and so I would invite you to always remember that.

It is to you that the torch is passed and because of their sacrifice. And why was their sacrifice necessary? It arose because of society's inability to regulate the divisions that caused war. And if you think that that's a far stretch, just look at the causes of some of the conflicts that existed and continue to exist in our society and know that if you can't, at the political level, resolve those issues peacefully, they may spill over into violence, because that is ultimately

what happens when social, cultural,  
religious divisions, political  
divisions, ideological divisions don't  
get resolved.

IT IS UP TO YOU TO FULFILL YOUR COMMUNITY'S SUPPORT  
AND EXPECTATIONS



A lot was invested in the concept of school boards arising from the Bill 64 experience. I know that 34% of you may be new to your roles. But it is important because you were called upon to live up to your community's expectations following that experience. For those novice trustees who may not understand what that fight was about, please turn to your colleagues and have them mentor you in the price that was paid so you can sit on your school board. It was a war fought and won not

with bullets and not with weapons. but  
with Facebook posts, lawn signs, and  
words and secured the peace for local  
voices and local choices to be made  
regarding your schools and students.

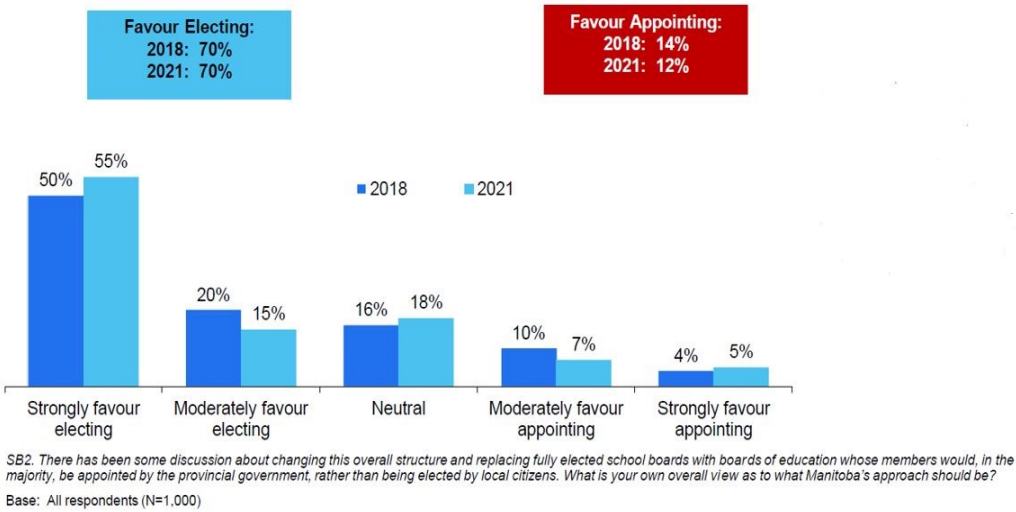




Earlier I presented what it means to find common ground and to discover the “work at the centre”. What you can find in common with your community that might cut across the many divisions that might exist. Guess what? We actually have some sign posts for you. They're the views that Manitobans have about their School Board system coming out of the Bill 64 experience.

## Views on Manitobans' Approach to School Board Structure

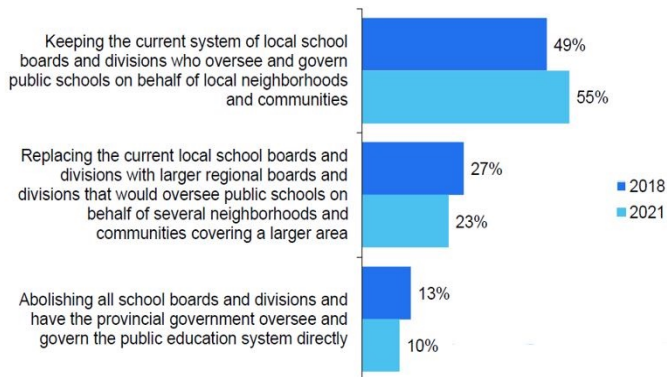
Seven in ten Manitobans continue to favour electing school trustees



You can see that coming out of 64, the same amount of Manitobans favored electing people to oversee the public schools, but a stronger margin were strongly in favor of electing you as school trustees.

## Views on Other Potential Changes to School Boards/Divisions

Support for keeping the current system has increased since 2018



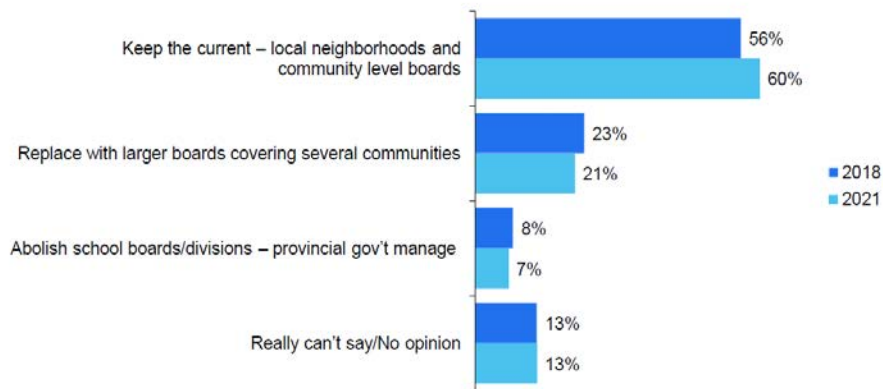
SB3. There has also been some discussion about other possible changes to the school board and school division system here in Manitoba. Please indicate your own view of each of the following broad options:

Base: All respondents (N=1,000)

A higher portion of the society favour keeping the current system of local school boards and divisions, rather than amalgamating and rather than abolishing school boards or appointing them. So they believe in democracy, and they believe in what you do. This is excellent ground to work with, to stand upon.

## First Choice for Manitoba's Public Education System

Keeping local school boards remains first choice for Manitobans



SB4. And which one of these options would be your first choice for Manitoba's public education system?

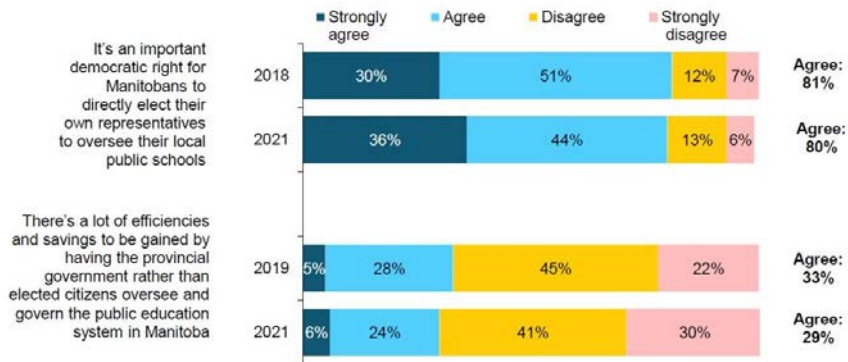
Base: All respondents (N=1,000)

6

When they were asked what their first choice would be, Manitobans favoured keeping current local community level boards rather than replacing them with larger boards or in moving to provincial government management. Here again, I think that's pretty telling in the faith and trust that your community, as Manitoba, has in the work that you do.

## Views on Potential Changes to Current Public Education System

Support intensifies for the notion of electing school trustees

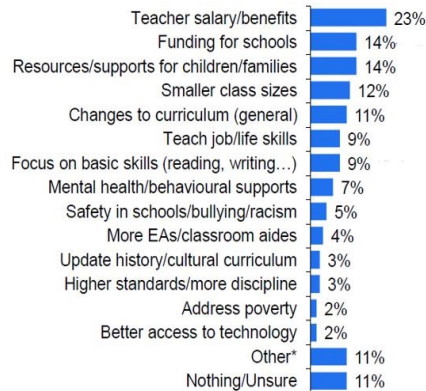


SB5. Do you agree or disagree with the following statements:  
 Base: All respondents (N=1,000)

More Manitobans strongly agree than ever before in the statement that it is an important democratic right for Manitobans to directly elect their own representatives, and far less believe that there are lots of efficiencies or savings to be gained by having the government rather than locally elected citizens oversee and govern the public education system in Manitoba.

## Most Important Improvement to Public Schools

Manitobans most likely to say improving teacher salaries/benefits is their top priority



SB1. In your opinion, what would you say is the most important thing that should be done to improve our public schools in Manitoba? Please write your response into the space provided below.

\*Mentioned by <2% of respondents

Base: All respondents (N=1,000)

And now this. This was what we asked Manitobans to identify what they felt would be the most important improvement to the public school system in Manitoba. This was an open-ended question and we worked with Probe research to ensure that this question didn't follow the other questions in that same survey about education or School Boards.

So this is what Manitobans said. They said overwhelmingly to focus on teacher

salary and benefits. Provide more funding for schools, provide more resources and supports for children and families. Try and promulgate smaller class sizes. Support changes to the curriculum, to update it and keep it relevant, so that children go into the world fully prepared for the 21st century world that they will inherit. So many other things.

But guess what's not up here?

You guessed it, a lot of the things that unfortunately take up a great deal of time around your board tables.

Trustees, look at what your fellow Manitobans feel will make the best improvement to our school system. This is the "work at the centre" that you can use to engage with them. These are the priorities that will serve to rally the most support.





## Main Takeaways

Leadership is the art of choosing love: loving self, your division, your entire community.

Exercising public trust is about pursuing the greatest good for everyone.

Dialogue builds, debate destroys.

Compromise doesn't mean "giving in" or "giving up", it means finding the golden middle ground, the work at the centre.

Drawing a line in the sand is ok, as long as you make room in the sandbox for others to be who they are too.

Timing, pacing and sequencing is everything. Are you/they ready?

No means no, unless you use it to get to YES.

We are emotional beings. So are "they". Always remember this.

There are resources, supports and assistance to help you in your important roles.

## My “Indy”- pendent advice



If you're going to succeed at the art of governing during divisive times, you will need to successfully discover what calls for a "technical" versus what requires an "adaptive" response

You will need to keep one eye open discover who is not just willing, but ready to work with you and... who is just a snake (and really, nearly 99% of the snakes are harmless, but harnessing your fears, insecurities and emotional responses will help avoid any venom)

You'll need to appreciate when to get up on that balcony (to reflect, refocus, respect, recreate, find compass, seek counsel, cool your jets, plan and design)...

...And when to "come off of it" (in more ways than one)

When and how to engage (or when and how to just put an end to the discussion!) Reflect long and hard on the difference and when it is and isn't called for: timing and sequencing for adaptive change is prime

Know that often, the "way out" is found in the simplest of options (the holy grail amidst these divisive times is the simple art of practicing authentic leadership, communication and relationship-building)

You might want to think long and hard before you attempt to engage with others' idols, as it requires utmost care and skill...

...Once you jump in, you can't turn back time

And opening the box may leave you wholly unprepared!

But please always know this... it is ok to turn to others, to work through the challenge you're facing! We're here for you, if you need!

Let your  
heart, and  
your love,  
as a  
community  
leader  
grow!

AND...



I'm going to go out on a limb in saying this, but you all have a little light that is shining in you. As you exercise your love as a school trustee, I would encourage you to let your light shine, and if those of you who hearing this message are saying "this guy is full of it", here's my final prescription. It's time for some open your heart surgery.

The holidays are around the corner, and as my little one enjoys watching so much around this time of year, this classic film, especially the part where the Grinch's heart grows three times bigger and he decides "I'm going to reverse the damage I've done." I would

encourage you to let your heart and your love as a community leader, to grow.

...go forth  
and serve!

Thank you for listening and  
participating!

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And lastly, go forth and serve your community and your school division, because at the end of the day, amidst all of these divisive debates. This is the only thing that matters in terms of what you do. This generation. I've said it so many times before, will be the generation that will live to see the dawn of the twenty-second century.

The things that they bring forward with them ought to reflect, what the adaptive leadership practice says, is

the best of our past while working towards a better future.

So as stewards of the public trust that has been vested in you, what can you do at your community's table? For the ones who are so confident in their election of you, even if they acclaimed you to your role, that they vested in you this sacred trust to steward the resources necessary to bring up this current generation of students? Our community's most precious and valuable resource?

I hope that I have provided some tools and skills for the journey to help you govern in divisive times and that we have ended with an important reminder of what is really at stake if you don't practice the love and trust that is yours alone to exercise!

Thank you! Merci! Meegwetch!