

May 1, 2012

*Delivered via courier*

Board of Trustees  
Edmonton Catholic Schools

Attention: Becky Kallal  
Vice Chair

**RE: Letter of Complaint regarding Organizational Bylaw section 13**

Dear Vice Chair Kallal:

Pursuant to section 13.2(b) of the Board's Organization Bylaw, please consider this an official letter of complaint regarding the conduct of Trustee Larry Kowalczyk. It is my position that I have reasonable grounds to believe that Trustee Kowalczyk's conduct is in violation of the duty set out in section 13.1 of the Organizational Bylaw. Section 13.1 states:

*Trustees at all times shall conduct themselves in a manner in accordance with this Organizational Bylaw, Board governance policies, applicable rules of order, and all applicable legislation.*

My position is based upon two incidents involving Trustee Kowalczyk occurring on April 20, 2012, and on April 27, 2012.

On April 20, 2012, prior to a scheduled Special Meeting of the Board of Trustees, I was approached by Trustee Kowalczyk in the parking lot of Catholic Education Services. Trustee Kowalczyk informed me he was going to request that an in-camera item be added to the agenda for the Special Meeting held that day. Upon requesting details regarding the item, Trustee Kowalczyk stated that it involved a very serious issue about one of our employee groups. When I asked if it had to be included on the agenda for April 20, 2012, he replied that it was a matter involving one of the most serious issues that the Board must deal with and that it absolutely had to be included on the agenda for April 20, 2012.



After my conversation with Trustee Kowalczyk, I proceeded to advise the Superintendent of Trustee Kowalczyk's request. I also sought the advice of the Corporate Secretary in terms of the proper parliamentary procedure to follow in order to add an in-camera item, as per Trustee Kowalczyk's request. The Corporate Secretary advised that in order to add an in-camera item to the agenda of a Special Meeting, unanimous consent of all trustees present at the meeting would be required. Immediately prior to entering the boardroom at the commencement of the meeting, I advised Trustee Kowalczyk of this process. The motion to approve the inclusion of the in-camera item received the unanimous consent of all trustees in attendance. The Board moved in-camera at 1:06 p.m. and moved from the main boardroom in Catholic Education Services to Room 206 to convene the in-camera portion of the meeting.

When the in-camera portion of the meeting began, Trustee Kowalczyk began to discuss a letter copied to the Board from junior high principals who were critical of the decision the Board made regarding St. Marks. Trustee Kowalczyk appeared very upset and offended that staff members had provided feedback. Trustee Kowalczyk then made and directed several comments that I believe to be very verbally abusive to our Superintendent. Trustee Kowalczyk stated to the Superintendent, "I do not want to be chastised by employee groups" and "I can't believe you would allow this to happen". Further comments included accusing the Superintendent of supporting only west end schools, and not supporting north Edmonton schools (specifically in regards to the reallocation of the St. Charles School modular). When I advised Trustee Kowalczyk that I felt his comments were inappropriate, he proceeded to cup his hands around his mouth, and as openly and largely as he could, mouthed the words "fuck off" to me. I believe that several other trustees observed this act, as did the Superintendent. Immediately after observing this act, the Superintendent advised that she was refusing to continue with the meeting. At this point, Trustee Kowalczyk began to taunt the Superintendent by asking her why she was leaving, asking her what she saw, and asking her what she thought she saw. The Superintendent replied that she did not use "that kind of language", and left the meeting. Trustee Acheson moved the meeting out of in-camera at 1:31 p.m.

When I left Room 206 in order to go to the main boardroom downstairs to reconvene the Special Meeting, I observed the Superintendent in the hall outside Room 206 extremely upset. I also observed that Trustees Acheson, Kowalczyk and Bergstra were still in Room 206. I went back into Room 206 and had an animated discussion with the three of them, but more particularly with Trustee Kowalczyk. I challenged Trustee Kowalczyk as to why he requested this item to be an in-camera item, as I believed the heart of his issue should have been brought forward in public. He replied that he requested the matter to be held in-camera for his own reasons and because it was held in-camera, if I made any part of this public to anyone he said: "I will crush you like the ugly bug you are". I left this conversation at this point, in fear, feeling that this message and the way it was delivered was a frightening threat. The Special Meeting then reconvened and the meeting adjourned at 1:33 p.m.

Then, on April 27, 2012, a letter by Trustee Kowalczyk to the editor of the Edmonton Journal was published. In the letter, Trustee Kowalczyk reviewed the decision made by the Board on April 20, 2012, where it was decided by the Board to fund the construction of three portable classrooms for Sister



Annata Brockman School from the District's capital reserves. Trustee Kowalczyk stated in his letter that he was of the position that in making this decision, the Board was "negligent in its fiduciary responsibilities". As a result of his letter to the editor, the Edmonton Journal ran a second article on April 28, 2012, which included negative comments regarding Trustee Kowalczyk's comment from the Sister Annata Brockman parent council chair. Trustee Kowalczyk was quoted in the second article as stating:

"We do not know whether the final cost of these portables will be \$1.5 million, \$2 million or closer to \$3 million, however, the motion was passed," Kowalczyk said in the email: "We need a more business-oriented board and a board that takes into account the needs of all the schools in the district."

Based upon the above, I believe that Trustee Kowalczyk is in breach of his duties as set out in section 13.1 of the Organizational Bylaw as follows:

- a. On April 20, 2012, Trustee Kowalczyk improperly requested a matter to be brought in-camera, and was intentionally evasive and not forthcoming regarding the subject matter of this agenda item in order to avoid public scrutiny of his conduct and comments regarding a group of staff and the Superintendent. It is my reasonable belief that this conduct is in breach of section 70 of the *School Act*, section 7.7 of the Organizational Bylaw, Robert's Rules of Order – section 9, Executive Session, and established Board practices in relation to in-camera agenda items;
- b. On April 20, 2012, Trustee Kowalczyk made inappropriate and defamatory comments regarding the conduct of the Superintendent in breach of section 5.7 of the Organizational Bylaw and Board Policy – Governance Process #1, Board Policy – Governance Policy #3, Board Policy – Governance Policy #7, and Board Policy – Governance Policy #9;
- c. On April 20, 2012, Trustee Kowalczyk made an inappropriate and profane comment or gesture to me, in breach of section 5.7 of the Organizational Bylaw, Board Policy – Governance Process #1 and Board Policy – Governance Process #9;
- d. On April 20, 2012, Trustee Kowalczyk made an inappropriate and threatening comment to me, in breach of section 5.7 of the Organizational Bylaw, Board Policy – Governance Process #1 and Board Policy – Governance Process #9;
- e. On or about April 27, 2012, Trustee Kowalczyk authored and submitted for publication a letter to the editor of the Edmonton Journal that contained inappropriate and defamatory statements regarding the conduct of the Board, in breach of sections 5.5 and 5.7 of the Organizational Bylaw, Board Policy – Governance Process #1, Board Policy – Governance Process #3, Board Policy – Governance Process #4, Board Policy – Governance Process #7 and Board Policy – Governance Process #9; and,

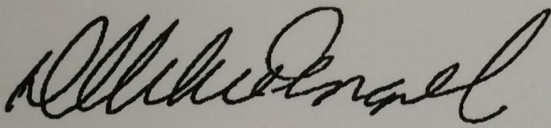
On April 27, 2012, Trustee Kowalczyk made further statements to the Edmonton Journal that contained inappropriate and defamatory statements regarding the conduct of the Board, in breach of sections 5.5 and 5.7 of the Organizational Bylaw, Board Policy – Governance Process #1, Board Policy – Governance Process #3, Board Policy – Governance Process #4, Board Policy – Governance Process #7 and Board Policy – Governance Process #9.



Accordingly, I would ask that in your capacity as Vice Chair of the Board of Trustees, you consider this letter to be a formal letter of complaint as required to initiate the sanction and censure process provided for in section 13 of the Organizational Bylaw.

I look forward to your response in due course.

Yours truly,

A handwritten signature in black ink, appearing to read "Debbie Engel". The signature is fluid and cursive, with the first name "Debbie" written in a larger, more prominent script than the last name "Engel".

Debbie Engel  
Board Chair

Copy: Larry Kowalczyk