

**Addendum II:
Douglas College, New Westminster,
B. C. Canada Experience:**

From 1962 – 1968 I served in the British Columbia School system where Geography as a discipline was not taught but in Ontario it was and that is where I went in **1968**. In 1970 **Douglas College** opened in **New Westminster** and in **1971** they brought me back to British Columbia to teach Physical Geography.

There were three other teachers who had been hired the first year, two Canadian men and one woman from England.

One of the men instructors was a Meteorologist, the other a Human Geographer and the woman I do not recall her specialty. Their personalities were no backbone, bully and insecurity, respectively. They had developed their own curricula independent of each other and when I joined I had to do the same in my field, **Physical Geography**.

We had a very collegial though cool but conflict-free first year. The policy at the college was to hire faculty on probation the first year and then renew the contracts for three years at a time. They received their three-year contracts in 1971 and I mine in **1972**.

I had been a **union** guy during my teaching career, both in **British Columbia** and **Ontario**. At the college I found the faculty association but it had no rights whatsoever. It was entirely at the mercy of the College Principal. There was wide spread mistrust about the first President of the **Douglas College Faculty Association** within the Faculty as well as within the College Faculties Federation which was not getting his cooperation in demanding legislative remedies and due process for the teaching faculty.

In **1972** this outgoing President proposed my name to succeed him and I got elected by acclamation. The same evening, I and the outgoing President were invited by the Principal of the College, **George Wootton**, to dinner. There and then it became crystal clear to me why so few of the faculty members had joined the Association and why no one else wanted to preside over it.

The Principal of the College and the President of the Faculty were in cahoots. At the very first meeting of the **College Faculties Federation**, where I represented my Association, I told them that things are going to be different from now on and **Douglas College Faculty** is going to be in the lead to secure legal rights for the faculty, similar to those enjoyed by the School Teachers of British Columbia and I reported the same back to my college **Faculty Association**.

Past President and one other member of the executive committee were informants for the Principal of the college who felt threatened by my actions. To stop me he started an intimidation process by soliciting a baseless complaint against me from the woman from England, the insecure, egged on by the Human Geographer, the bully, who had ‘promised’ my job to a friend of his but was overruled by the Dean who wanted to balance the department by hiring a Physical Geographer and I was told all this by the Meteorologist, the one without backbone, when he was trying to assure me that he had nothing to do with the complaint.

As I refused to be intimidated and the faculty members saw what was happening, the faculty association membership grew. **George Wootton** tried to snare me through multitudes of committees and boards that he had handpicked but none did his bidding.

Then I got appointed to the **College Task Force** as a nominee of the **College Faculties Federation** and all hell broke loose. George had my teaching schedule so arranged that I will teach early morning class in **Surrey** and late-night class in **Richmond**. The main campus and my residence were in **New Westminster**. That allowed me no time to participate in the work of the **Task Force**.

For the rest of the story please read [“Does Star Chamber exist at Douglas College?”](#) an investigative reporting that even I could not have done a better job of. In fact, I learned more about what was happening to me after reading this write up in the Wednesday, May 8, 1974 issue of *The Columbian* by Jacke Wolf, *Columbian City Editor*.

Justice was served when as founding **Administrative Director (Acting Principal)** of **North Island College** I attended monthly Principals’ meetings sitting across the table from **George**. All but one member of the **North Island College Council** were English immigrants or ancestry; only one was east European. Only the latter wanted me to have the title as Principal, as was the case with other colleges but he got ruled out by the English and I became ‘**Administrative Director**’.

A year later they chose an Englishman, a relative or an acquaintance of one of the Council members, to be their Principal. The new Principal wanted me to stay to carry on the work I had started but I had had enough of the British Columbia teaching experience.

I wanted to terminate it while I was at the top, but I left for the new Principal an operating college with faculty and students and liaison with University of Edmonton, Alberta, for Adult Education on our campus.

I had accumulated three months of paid leave; submitted my resignation effective the day the new Principal was going to take over; took my family to India for those three months and upon return relocated to California to work for myself.

Just in case I might need it I did obtain **California Community Colleges Credentials** as Community College **Instructor** in Geography and Community College **Supervisor**. I never felt the need to use them.

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DOES STAR CHAMBER EXIST AT DOUGLAS COLLEGE?

As published in The Columbian, New Westminster, B. C. Canada

Wednesday, May 8, 1974

By Jacke Wolf, Columbian City Editor

Education, philosophers through the ages have held, is one of mankind's purer pursuits. As Confucius said, it is a simple process: when you know a thing, to hold that you know it; and when you do not know a thing, to allow that you do not know it.

It follows, logically, that educational institutions similarly should be concerned with such purity - with practicing and promulgating all that is good in man.

But sometimes it doesn't work out that way. Personalities, circumstances and political issues get in the way. And, often, those elements become so intertwined that black and white merge to grey, and important issues become clouded because the emotional impact of a situation is dissipated through a lengthy bureaucratic process. **The kind of murkiness the philosophers deplored certainly pervades the case of Hardev S. Shergill.**

His teaching position in the geography department at Douglas College was "terminated" last January after nearly 18 months of evaluations, memos and counter-memos, hearings before boards of reference and the college council, and disputes over testimony (and the lack of it).

While on the surface the firing of Dev Shergill may seem to be a purely internal college matter, its importance extends to the public realm.

Many of the procedures used, and the motives suspected, have a direct bearing on the work undertaken by the **Task Force on the Community College, appointed last fall by Education Minister Eileen Daily.**

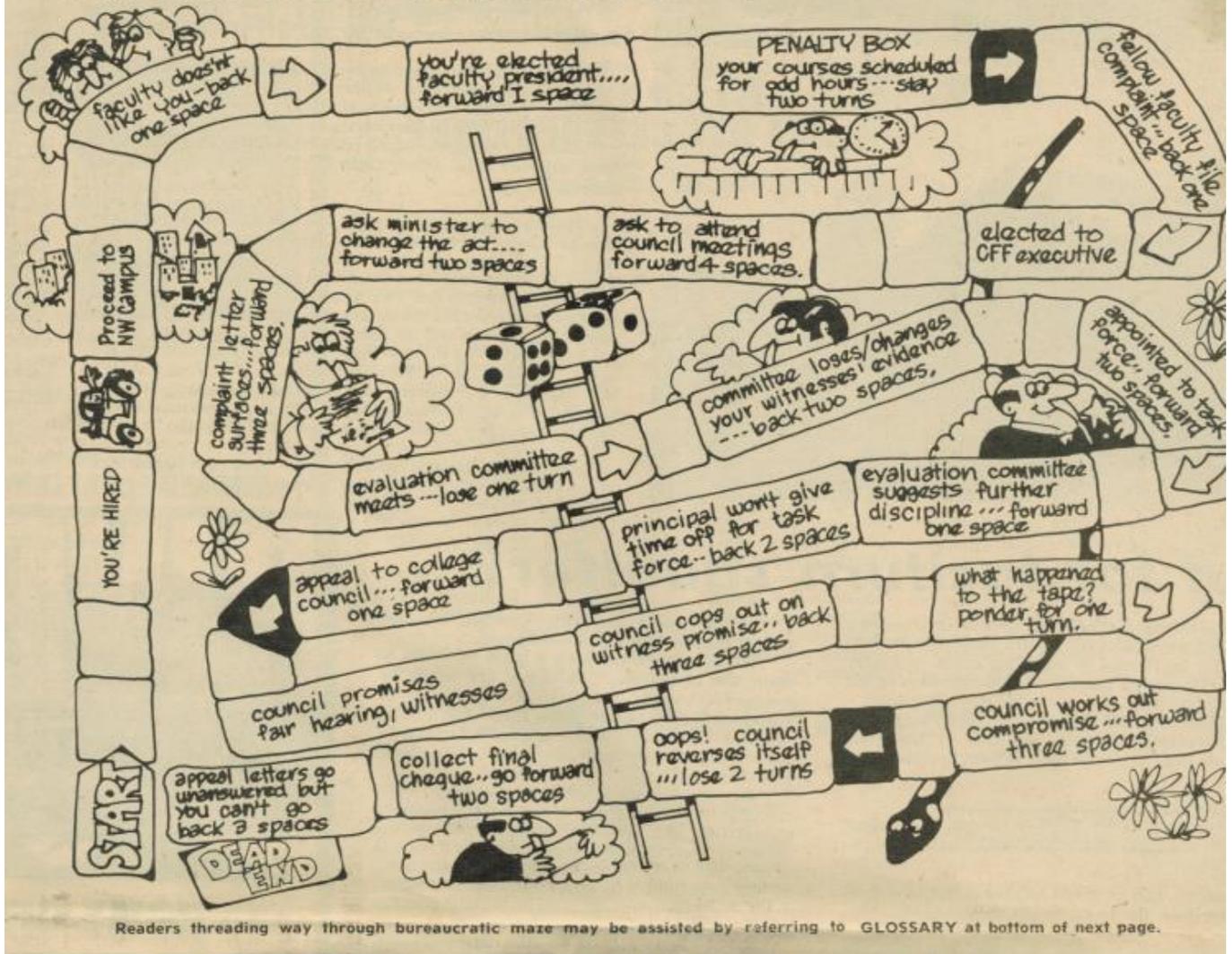
The task force - of which, incidentally, **Dev Shergill is a member** - is shortly due to begin public hearings on its working paper, and the questions Mr. Shergill's case raises have a direct bearing on how community colleges should be run in this province:

1. What powers should a college council have, and what recourse should there be for those it affected? Present legislation, primarily Sections 257 and 258 of the Public Schools Act, gives councils virtually unlimited power. The Minister of Education has no effective control over councils, and there is no recourse to the courts against their decisions.

In short, councils now enjoy powers unequalled by most public bodies, even though its members are either appointed or only indirectly elected.

2. Even accepting the failings in the present legislation, should Mr Shergill - or any other faculty member - be left with no redress where "hearings" are held without his knowledge, where he has no opportunity to call or cross-examine witnesses and has no access to the minutes of tribunals sitting in judgment upon him?

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Readers threading way through bureaucratic maze may be assisted by referring to GLOSSARY at bottom of next page.

3. When such a situation exists, what moral responsibilities does the education minister have to call a public inquiry?

4. Should college councils, considering their increasing scope in the community, be directly elected or, appointed? Is the present situation realistic: that councils are composed of people whose primary responsibilities lie elsewhere (school district trustees and officials, local political figures?)

Community colleges involve a large segment of the adult population and spend millions of dollars. Should their governance be left to persons who, by definition, must consider college affairs a peripheral concern and therefore are inclined to let administrators run the whole show, to develop empires of their own?

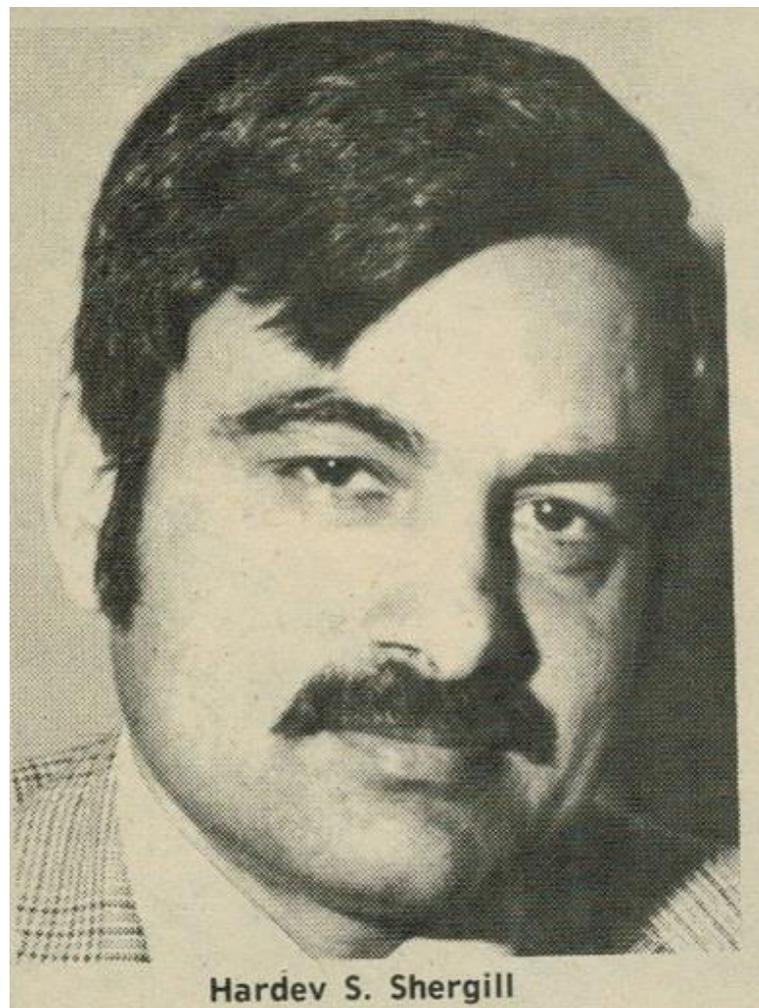
To illustrate the importance of these questions, a closer look at the involved and intricate Shergill affair is necessary.

Mr Shergill, 40, came to Douglas College in 1971 after heading the geography department at Ridgetown District High School in Kent, Ontario. Previously he had taught in Thornhill, Ontario and in Port Hardy, Revelstoke, Langley and Salmo, B.C.

He has Bachelor's and Master's degrees in English, Economics, Geography and Audiovisual Education. He was active in the Ontario Secondary School Teachers' Federation, the Canadian Adult Education Association, the Educational Media Association of Canada, and the Canadian Council for International Cooperation.

Beyond education, Mr Shergill has served as a 2nd Lieutenant in the Canadian Armed Forces, worked with the Boy Scouts, and has received five extension awards from Lions International.

In person, Mr Shergill matches his credentials. He is articulate, genial, has a very keen mind and is precise, methodical and organized.



When Mr. Shergill was hired as the fourth full time geographer at Douglas, he had an initial disadvantage. In the words of Bill Day, Dean of Continuing Education (who later served as trustee of the geography department during its troubles), "Dev Shergill entered a hostile environment"

The college was still young and hiring procedures had not been ironed out. At least two persons, with widely differing personalities, were hiring. And the three existing geographers were unhappy because they felt a UBC graduate - preferably a human or social geographer - should have been hired instead of Mr Shergill.

Shortly after coming to Douglas, Mr Shergill, consistent with his past record of involvements, joined the fledgling Douglas Faculty Association. In 1972 he was elected its president, at a time when about 50 of the 125-faculty belonged (membership grew substantially during his tenure).

Coincidentally, it was about the same time as his election to the presidency that his troubles really began. In January, 1972, a fellow geography teacher, Elizabeth Peerless, filed a complaint against Mr. Shergill with the head of the Geography Department, Don McEachern. She alleged that Mr. Shergill was "uncompromising and uncooperative" in his work with the other geographers.

At the time Ms. Peerless wrote her letter provisions for handling internal faculty disputes at the college were rather primitive. A Faculty Handbook existed, which had been prepared by the administration and - back at the college's beginning - given rather cursory approval by the newly-formed faculty association. The handbook provided for no grievance procedure, only what were called "evaluation" and "summary dismissal" measures.

The handbook continues in use. Basically, complaint or a charge on unspecified grounds can be laid by any person in the geographic area covered by the college against any faculty member. The departmental chairman is required to attempt to reconcile differences. Failing resolution, a peer group departmental evaluation committee studies the charge and makes commendation to the principal. If still unresolved, the principal of the college can call a board of reference, which would make recommendations to the principal.

The handbook language was - and remains singularly ambiguous. On the one hand, it says "faculty members are protected against arbitrary or capricious decisions," and on the other hand it says anyone can lay any kind of charge and the faculty member will be judged, with no right of appeal, or guarantee of an open hearing. The language mentions that there should be differences between serious and minor complaints but fails to define either.

Throughout the handbook, as well as in these two sections, all power is cyclical. It rests, with the principal, who may, if he chooses, farm out jobs to committees of his own choosing. But those committees, while giving an appearance of collegial decision making, are only empowered to make recommendations to the principal.

Such a state of affairs would not be nearly so serious if, as was pointed out earlier, aggrieved persons had access to the courts for redress. But poorly written legislation does not give them that option.

In a brief to the college council last December, faculty association vice-. president Stephen Sharpe called **the evaluation system scandalous, tragic, dismal, and autocratic.**"

"I'm ashamed to say that I am as much at fault as any other faculty member for the system we have," Mr. Sharpe wrote, "because I did not protest when the thing was presented for approval.

"In those early days of the college we were all pretty idealistic, terribly busy and always ready to **'let George do it',**" he said. "I might add that it's a case like this (Shergill's) that turns a naive idealist into a pretty hard realist in a matter of three or four months."

Ms. Peerless' letter of complaint, dated **Jan. 27, 1972** was discussed at a departmental meeting the following day, she later told a board of reference. She said Mr. Shergill had been given "hints" of the dissatisfaction of his colleagues but chose to ignore them. Mr. Shergill claims he did not receive a copy of her letter until the following **Aug. 29**, after it had been delayed, then acted upon, by Mr. McEachern.

Mr. Shergill said he received the letter then because he was scheduled to appear before a departmental evaluation committee the following day to answer the charges.

Why the long delay in acting upon a complaint? It is unclear from the evidence contained in committee minutes and reports. However, it could be significant that Mr. Shergill's views regarding the future of the faculty association he headed became well- known earlier that summer. **He indicated publicly that he favored enlarging its membership, registering under the Societies Act and working toward its certification under the Trade Unions Act.**

It should be noted that college **Principal Dr. George Wootton**, according to several faculty members, frequently has made his own views known to faculty: that the association's work could better be done through departmental working committees and that he **vehemently opposed collective bargaining rights for the faculty.**

The departmental evaluation committee did not make its report (determined at a meeting of which Mr. Shergill was not aware) until **Nov. 2, 1972**. This was about **a week after the faculty association wrote to Eileen Dailly advocating establishment of a Community Colleges' Act (which Dr. Wootton also publicly has opposed)** and urging her to establish a committee with faculty representation to advise on the content of such an act.

The evaluation committee recommended that the principal should convene a board of reference, which Dr. Wootton did in December. Dr. Wootton chose the board members and informed Mr. Shergill by memo that he intended to chair the board himself, on an ex-officio basis.

After hearings during which Mr. Shergill was not allowed to hear the evidence presented against him or to question that evidence - and to which he was allowed to only call two-character witnesses in addition to his own testimony - the board still was not able to assess unilateral blame for lack of "collegiality" in the geography department.

In fact, the board said it was unable to deal with the charge "because its wording implies that harmonious relationships could be established unilaterally." Board members concluded that every member of the geography department had made inadequate attempts to get along.

The board recommended that the department be placed in **trusteeship** for one semester (**spring, 1973**). The trustee was to be required to submit a written monthly report to the principal, each geographer and the - social sciences chairman. At the end of the semester, it would be at Dr. Wootton's discretion to reconvene the board for reassessment and final decision.

On **May 28, 1973**, the trustee appointed by Dr. Wootton - **Bill Day** - made his report. He said he felt the situation basically was unchanged during his trusteeship and cited personality differences as a major factor in the problem. **He emphasized - as did everyone with whom The Columbian discussed the case — that Mr Shergill was an extremely competent teacher, a view upheld by student course evaluations, published in the Douglas College Anti-Calendar.**

Nevertheless, Mr. Day recommended that Mr. Shergill be removed from his departmental, non-teaching functions and placed under the direct supervision of the social sciences chairman, and, that **his contract not be renewed when it expired in August, 1975.**

On **Aug. 30, 1973** Dr. Wootton issued a memo to those concerned concurring with Mr. Day 'that fault was shared and that Mr. Shergill would henceforth work under the social sciences chairman. The memo was to be published in the faculty newsletter, The Mad Hatter, at the request of the faculty ombudsman, in order to clear Mr. Shergill's name, **but it was never published.**

The board of reference, reconvened, formally received the trustee's report and the principal's decision was discussed among Dr. Wootton, Mr. Shergill, and Howard Eaton, the faculty ombudsman.

The trustee's recommendation **that Mr. Shergill's contract not be renewed, according to Mr. Eaton's later report to the faculty association, was not acted upon.**

"The experimental nature of Mr. Shergill's new position was made clear **but he was to be offered a new contract if the experiment was successful,**" Mr' Eaton wrote, adding that he had a later conversation with Dr. Wootton to confirm that impression.

However, on **Oct. 11, 1973**, after the new arrangement had been in effect only about a month, Dr. **Wootton wrote to Mr. Shergill** saying the experiment, "Since this model of operation is outside of our present organizational framework", would continue only to the end of his present contract.

The letter continued: "In discussion, I did indicate that this action did not preclude the possibility of your being offered a new contract. . . but whether or not this happened would depend upon whether or not the organizational model in effect could accept this kind of staff relationship."

In other words, unless the college was totally reorganized - an unlikely prospect - Mr. Shergill's contract would not be renewed.

On Oct. 19, 1973, then Education Commissioner John Bremer informed Mr. Shergill that he had been appointed to the new community college task force. Mr. Bremer contacted Dr. Wootton and claims the principal verbally did not indicate any dissatisfaction with the appointment. **However, later, Dr. Wootton refused to grant Mr. Shergill time release to work on the commission, saying that Mr. Bremer told him all work would be done on weekends - a claim that Mr. Bremer denies.**

On Nov. 8, unknown to Mr. Shergill, Dr. Wootton told college council that his contract would not be renewed. Indirect word of this, in addition to the denial of time release to work on the task force, made Mr. Shergill appeal to college council directly for intervention in his case.

Following a long talk with then council chairman **Dr. Pat Brown**, Mr. Shergill was told council would hear the case, and Mr. Shergill and Mr. Sharpe appeared before council, primarily stressing the general problems encountered by faculty because of unclear, and what they felt were unfair, procedural regulations.

That **Dec. 13, 1973** hearing before council was rather confusing, judging by the transcript. Council members were unclear whether they were actually prepared to hear Mr. Shergill's case in total or whether they were prepared only to rule as to the fairness of the procedures followed by the college administration in dealing with the case.

The transcript shows that at the beginning of that meeting Dr. Brown assured Messrs. Sharpe and Shergill that witnesses would be called at some later time before council made any decision. **This never happened**, despite the fact that the transcript indicates council clearly understood the seriousness of charges being made. For example, charges that minutes of the departmental evaluation committee **were never shown to Mr. Shergill**, but **that a witness on his behalf - Dr. Okon Udokang - later discovered his favorable testimony had been deleted from the committee's records**

Messrs. Sharpe and Shergill also indicated that the **testimony of another witness before the board of reference - George. Porges - had substantive points omitted in the minutes of that hearing.**

At the following meeting of council, the administration's viewpoint was heard - although Messrs. Sharpe and Shergill were not allowed to be present and to this day, despite requests from Mr. Shergill's lawyer, do not know what was said.

At this **Dec. 20, 1973** meeting, minutes indicate some **council members were upset because they understood a transcript of Messrs. Sharpe and Shergill's testimony had been given to college administration prior to their appearance that evening.**

The minutes are inconclusive as to how that problem was resolved since confidentiality allegedly had been promised the two faculty members. However, two council members now recall that after some fumbling and hurried conferences, with the administrators present, Dr. Brown denied such a leak had occurred.

A college council committee, however, was appointed **Dec. 20, 1973** to make recommendations to council as a whole. At a special meeting **Jan. 17, 1974**, this committee recommended that council meet with college administration to discuss "the handling of this and future grievance procedures," and that council also arrange a meeting with Mr. Shergill, the other three geographers and the department chairman to work out some conditions under which all should operate in future.

Finally, the committee recommended transferring the geographers from the social sciences department to the liberal arts department with monthly reviews to be made by the liberal arts dean for at least 12 months. Those recommendations were adopted by council.

On **Jan. 24, 1974**, however, another special meeting of council was called. According to **Dr. Brown, the meeting was "to resolve the problem before the end of 1973 council's term (Jan. 31, 1974)."**

Council member **Ed Murphy** said he felt passage of the committee's recommendations of the previous week were questionable because some members of council were absent, and because the recommendations were a departure from council's policy of **delegating all responsibilities to the Principal and staff.**

The council member, who had presented the committee's recommendations, **Jean- Pierre Daem**, said he felt it was reasonable to reconsider if Mr. Murphy felt some council members had not had their say.

Personally, convinced of the value of the committee recommendations, **Mr. Daem** recently told The Columbian he had no qualms about reconsideration because the **seven council members who had supported them also were present at the Jan 24, 1974 meeting.**

During the intervening week, however, events had been moving behind the scenes. **Five of those previous supporters changed their votes without explanation** and passed a new resolution proposed by Mr. Murphy and council member Jack Campbell.

The new motion read that council "unanimously" felt the administration's action was "reasonable and practical", that procedures in the faculty handbook had been followed "fairly and in good faith," and that "**any solution required be left in the hands of the principal.**" Only two council members opposed the motion.

After a coffee break, council members returned and voted for the immediate termination of Mr Shergill's contract with full salary through Aug 31, 1975 (College Solicitor Skip Cassidy later revised this to full salary at present rate, so no increments and extra superannuation were realized)

Finally, council members passed a resolution **freezing all documents** related to the case and forwarding them to the college solicitor, who was asked to advise Mr. Shergill all requests for information should be channeled through him (although in fact this letter did not happen until April 4, 1974)

Mr. Shergill was not advised of council's decision to terminate until 10 days later, and later he also discovered a confidential memo from college bursar Bill Morfey directing all faculty, staff and students concerned to refrain from discussing the case.

Since that time, the Shergill case has languished. **Bill Deverell, Mr. Shergill's lawyer**, has been unable to obtain any information from the college. **The faculty association which, at long last, has become certified and is bargaining for its first contract, has met with equally little success in its requests.**

Needless to say, high on the association's negotiating list are provisions dealing with working conditions, grievances, and hiring and firing procedures.

The faculty association, its ombudsman and a few college council members are convinced that Mr. Shergill did not receive a fair hearing and that a good portion of his alleged sins against collegiality would have been overlooked had he not been so active in pursuing bargaining rights for the Faculty Association. But that kind of assumption about motive is impossible to prove.

Procedural violations, however, are not - particularly when those procedures were never established by free mutual consent between faculty and staff and were, in fact, under review during the Shergill case.

The new college council is adopting a hands-off attitude because the case has become so complex and most members would be coming into it cold.

When The Columbian began inquiring into the case, at **least 15-20 faculty members were contacted. Those few who agreed to talk would do so only with guarantees of confidentiality in order to protect their jobs.**

The response from college administration - Dr. Wootton never personally returned calls - also had unanimity: **"I can't comment: it's in the hands of the college solicitor"** - with the implication that litigation was pending.

That position, however, is patently evasive. The Solicitor, Mr. Cassady, expressed surprise that interest in the case was still present.

I never delved into it too deeply because it was straight-forward at the time (in January 1974) and I was only concerned with procedures, like the release form on Mr. Shergill's final pay cheque," he said.

Certainly, he had no indication that the college planned anything further, he said. In fact, he had written to Mr. Shergill in March 1974 saying the college considered the matter fully closed.

Mr. Shergill was not planning litigation for the obvious reason - legislation governing college councils does not permit him redress in the courts.

The old "**in the hands of the solicitor**" line has its uses for the administration, however, particularly when, as happened last week, **the minister requests a meeting on the issue.**

Ms. Dailly and Langley Socred MLA Bob McClelland became involved in the case recently when contacted by Mr. Shergill. **Mr. McClelland says he had known Mr. Shergill "for years" and knows him to be "honest, a fine gentleman of integrity and community spirit".**

Both the minister and Hazel L'Estrange, head of the community college task force, are happy with Mr. Shergill's work on the task force.

"I have a good relationship with Dev, and so do most of the other members; he has been a conscientious worker," Mrs. L'Estrange said.

Ms. Dailly, who admits she has no real power because of the legislation, said she only wanted to discuss the situation with Dr. Wootton.

"But when he said it was in the hands of the solicitor, implying something might be pending well there's no way I could get involved in that," she told The Columbian.

In short, there are two major issues in the Shergill case. **First**, the broad implications regarding college governance. The college Task Force offers a vehicle for changing current inequities if the public is vociferous enough at the May public hearings that college councils should be subject to the same controls as other governmental bodies.

Secondly there is the specific case of Mr. Shergill. While all agree that he is "an excellent teacher", his professional reputation has been permanently damaged by this incident, which contains some serious administrative oversights and legal shortcomings.

Circumstances have closed all avenues of appeal to him - the courts, the Labor Relations Board (i.e. the difficulty of proving an unfair labour practice charge), and internal measures (as council has washed its hands and the administration is ducking behind a blank legal letterhead).

All that is left is a plea for a public inquiry by the minister. Are charges of tampering with evidence, closed tribunal meetings, violations of even unilaterally-enacted procedures sufficient to justify a public inquiry? Inquiries have been called in the past on far flimsier grounds.

This week the College Faculties' Federation of B.C. is holding its annual convention. This group of community college teachers has a direct stake in the Shergill case beyond the fact that he is a director of that federation. The call for an inquiry - if they are interested in self-preservation - should be a major agenda item.

GLOSSARY

De-mystifying the jargon is always a problem in writing about institutional affairs. The maze of committees and boards referred to in the Shergill case require some commonplace definitions:

Departmental Evaluation Committee - Composed of social science and geography members, the committee also included the chairman of the social sciences department, Don McEachern. If this committee is not able to resolve a dispute, as it considered itself unable to do in the Shergill case, the matter is referred to the college principal who may convene a ...

Board of Reference - This committee, chosen by the principal - "randomly" according to the Faculty Handbook - is comprised of two faculty members, two administrative faculty members and two students, with the power to invite witnesses and receive evidence. On reaching a "unanimous" decision, the board must prepare a "confidential" report for submission to the principal, with a recommendation for action.

College Council - The governing body of any community college in B. C. The number of council members (15 at Douglas) is flexible, but must include two members appointed by the provincial government, one district superintendent of schools appointed by the education minister, and a number of school trustees from the college area and non-political community representatives appointed by the cabinet.

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