

## **POLICY 14: HEARINGS ON TEACHER TRANSFERS\_\_\_\_\_**

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### **HEARINGS ON TEACHER TRANSFERS**

The Superintendent may transfer a teacher in accordance with section 212 of the Education Act. The teacher may make a written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer.

#### **Specifically,**

1. A teacher who has been given a notice of transfer by the Superintendent must make a written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer within seven (7) days of receipt of the transfer notice.
2. The request for a hearing before the Board shall be submitted by the teacher to the Secretary-Treasurer with a copy being provided to the Superintendent.
3. The Board may set a date and time for the hearing requested not earlier than 14 days after the teacher receives the notice of transfer, unless the teacher agrees in writing to an earlier date.
4. The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the hearing.
5. Any written materials the teacher or the Superintendent wishes Trustees to consider must be submitted to the recording secretary not less than four (4) days prior to the scheduled date of the meeting. The recording secretary will provide copies to the Trustees, the Superintendent, and the teacher.
6. The teacher or the Superintendent may be accompanied by counsel or another representative, and may bring witnesses if, not less than four (4) days prior to the scheduled date of the meeting, the following is provided by the teacher or the Superintendent in writing:
  - a. the names of counsel, other representatives, and any witnesses;
  - b. notwithstanding, the Board Chair shall reserve the right to receive further information or call witnesses as deemed relevant or necessary to the Board's determination.
7. At the hearing on teacher transfer appeals, the following procedural rules and sequencing will apply:
  - a. the hearing shall be conducted at an in camera session of the Board, chaired by the Board Chair, or in the Chair's absence, the Vice-Chair or designate;
  - b. notes of the proceedings will be recorded for the purposes of the Board's records;
  - c. the Superintendent and the teacher shall be given an opportunity to make opening statements;

- d. written and oral presentation by the Superintendent or designate, including any evidence by witnesses, where appropriate;
- e. written and oral presentation by the teacher, including any evidence by witnesses, where appropriate;
- f. Superintendent's or designate's opportunity for response to the teacher's presentation;
- g. teacher's opportunity for response to the Superintendent's or designate's presentation;
- h. an opportunity for the Board to ask questions of both parties and any questions of clarification of any of the witnesses;
- i. an opportunity for the Superintendent or designate to make final comments;
- j. an opportunity for the teacher to make final comments;
- k. no cross-examination of witnesses shall be allowed, unless the Chair deems it advisable;
- l. the Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have the secretary-treasurer and/or legal counsel in attendance.
- m. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information;
  - i. if the information is not readily available the Board Chair may recess the hearing or adjourn to a later date;
  - ii. in the case of adjournment, members of the Board are prohibited from disclosing evidence presented or matters raised at the hearing, either amongst themselves or with the parties and their representatives or witnesses, until the hearing is reconvened.
- n. The Board shall draft a resolution indicating its position. The resolution will indicate the employee's number so as to maintain confidentiality.
- o. When the Board is ready to render its decision, both parties, if still present, will be advised that the Board will be reconvening and consider a motion to move back into the regular or special meeting in order to consider the resolution.
- p. The Board decision is final, with no right of further appeal, and will be communicated to the teacher by telephone and confirmed in writing following the hearing.

**Legal Reference**

Section 33,52,53,212,222 Education Act

**History**

Prepared: September 2003

Amended: March 2006

Amended: March 2020