

HEARINGS ON TEACHER TRANSFERS

Background

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.

Procedures

1. Transfers

- 1.1. 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.
- 1.2. The teacher shall submit a request for a hearing before the Board to the Director of Business with a copy being provided to the Superintendent.
- 1.3. 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.
- 1.4. The Director of Business shall advise the teacher, in writing, of the date, time and location of the hearing.

2. Provision of Information

- 2.1. Any written materials the teacher or the Superintendent wishes trustees to consider must be submitted to the recording secretary not less than four days prior to the scheduled date of the meeting. The recording secretary will provide copies to the trustees, the Superintendent, and the teacher.
- 2.2. The teacher or the Superintendent may be accompanied by counsel or other representative, and may bring witnesses if, not less than four days prior to the scheduled date of the meeting, the following is provided by the teacher or the Superintendent in writing:
 - 2.2.1. the names of counsel, other representatives, and any witnesses; and
 - 2.2.2. an explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.
- 2.3. Notwithstanding, the Board shall reserve the right to receive further documentation as deemed relevant.

3. Procedure at Hearings

- 3.1. Notes of the proceedings will be recorded for the purposes of the Board's records.
- 3.2. The sequence of the hearing shall be as follows:
 - 1) An opening statement to be made by each of the parties
 - 2) Written and oral presentation by the Superintendent or designate, including any evidence by witnesses where appropriate
 - 3) Written and oral presentation by the teacher, including any evidence by witnesses where appropriate
 - 4) The Superintendent or designate shall have the opportunity to respond to the teacher's presentation
 - 5) The teacher will have an opportunity to respond to the administration's presentation
 - 6) The Board will have an opportunity to ask questions of both parties, and any questions of clarification of both parties, and any of the witnesses
 - 7) The Superintendent will have the opportunity to make a final comment
 - 8) The teacher will have the opportunity to make a final comment
 - 9) No cross-examination between the parties shall be permitted unless the Chair deems it advisable

- 3.3. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary may remain in attendance. The Board may have legal counsel in attendance.
- 3.4. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal may be requested to return to the hearing for the required additional information.
- 3.5. The Board decision and the reasons for that decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal References

Education Act, Sections 33, 52, 53, 203, 204, 206, 209, 210, 212, 213, 215, 217, 218, 219, 222

Approval Date

January 2003, 2006, February 2007, January 2008, 2012, February 2015, May 2017, June 2020, June 2023

Revision Dates

January 2004, January 2005, February 2007, May 2017, June 2020, June 2023