

## **HEARINGS ON TEACHER MATTERS**

The Superintendent may transfer a teacher in accordance with Section 119 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.

The Superintendent may make a recommendation to the Board to terminate a contract of employment with a teacher or to terminate a designation of a teacher. In terminating a contract of employment or a designation, the Board shall act reasonably.

The Board or the Superintendent may suspend a teacher from the performance of the teacher's duties in accordance with section 213 of the Education Act. The teacher may appeal such suspension to a Board of Reference. The Board of Trustees may make an investigation of the circumstances and may reinstate the teacher pursuant to Section 213 of the Education Act, or it may terminate the contract of employment in accordance with section 215 of the Education Act.

### **Specifically**

#### **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 days of receipt of the transfer notice.
- 1.2 The teacher shall submit a request for a hearing before the Board to the Secretary-Treasurer 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 Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the hearing. Notification of the hearing shall be given at least four (4) calendar days in advance of the hearing unless unanimous agreement is reached to waive the notification period.

#### **2. Termination of Contract or Designation**

- 2.1 When the Superintendent has decided to make a recommendation to the Board to terminate a teacher's contract, or terminate a designation, the Superintendent shall forward that recommendation;
  - 2.1.1 To the teacher, not less than 14 days before the scheduled date of the meeting at which the recommendation shall be considered; and
  - 2.1.2 To the trustees, through the recording secretary, in accordance with the practice for regular Board meetings.

- 2.1.3 All supporting documentation and the names of any witnesses to be called shall be forwarded by the Superintendent to the teacher not less than 14 days before the date of the hearing.
  - 2.2 One adjournment of the meeting of no more than 14 days shall be granted by the Board Chair, provided that:
    - 2.2.1 A request is submitted in writing to the recording secretary by the teacher no less than seven days before the originally scheduled date of the meeting; or
    - 2.2.2 The request, although not submitted in accordance with clause 2.2.1 is supported with reasons that the Board Chair considers valid, including the reason the request was not submitted within the required period.
    - 2.2.3 The Board Chair may seek submissions from the Superintendent, as a party to the appeal, about whether to grant an adjournment. Where reasonable, the Board Chair may grant further adjournments.
3. Suspension
  - 3.1 Should the Board determine that it is necessary to suspend the services of a teacher for reasons noted in Section 213 of the Education Act, the Board shall provide the teacher with written notice of the suspension specifying the reasons for the action.
  - 3.2 A teacher wishing to appeal the suspension to the Board must submit a request in writing to the Secretary-Treasurer with a copy being provided to the Superintendent, within one week of receipt of the notice of suspension.
  - 3.3 The Board shall meet to hear the appeal within three weeks of having received the written request from the teacher.
  - 3.4 The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the Board meeting at which the appeal will be heard. Notification of the hearing shall be given at least four (4) calendar days in advance of the hearing unless unanimous agreement is reached to waive the notification period.
4. Provision of Information
  - 4.1 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.
  - 4.2 The teacher or the Superintendent may be accompanied by counsel or other representative, and may bring witnesses if, not less than five days prior to the scheduled date of the meeting, the following is provided by the teacher or the Superintendent in writing:
    - 4.2.1 The names of counsel, other representatives, and any witnesses; and
    - 4.2.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

## Procedure at Hearings

- 5.1 Notes of the proceedings will be recorded for the purposes of the Board's records.
- 5.2 The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
- 5.3 If the Superintendent considers it necessary to have witnesses appear on behalf of the recommendation, they shall be called to appear prior to the teacher making any representations.
- 5.4 Trustees shall ask questions of a witness only after the party calling the witness has completed its presentation.
- 5.5 The presentation of the teacher's case shall commence after the Superintendent has presented his/her evidence.
- 5.6 After the teacher's closing statement, the Superintendent shall have an opportunity to respond to information presented by the teacher.
- 5.7 Board members will have the opportunity to ask questions or clarification from both parties.
- 5.8 No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
- 5.9 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 legal counsel in attendance.
- 5.10 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.
- 5.11 The Board decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal Reference: Education Act Sections 119, 213, 215, 217, 230, 231, 232, 233, 234, 235, 236, 237, 238

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