



POLICY 14

HEARINGS ON TEACHER TRANSFERS

Approved: 2022 09 08

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.

The Board shall conduct any hearings concerning the transfer of a teacher pursuant to section 212 of the Education Act, in accordance with Board policy and these guidelines.

GUIDELINES

1. Request for a Hearing

- 1.1 A teacher who has been given a notice of transfer by the Superintendent may, within seven (7) calendar days of receipt of the transfer notice, make a written request to have a hearing before the Board for the purpose of objecting to the transfer.
- 1.2 The request for a hearing before the Board shall be submitted by the teacher to the Secretary Treasurer of the Board (Secretary Treasurer) with a copy being provided to the Superintendent.
- 1.3 The Board Chair shall call a Special Board meeting for the purpose of holding a teacher transfer hearing not earlier than fourteen (14) calendar 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 notify the teacher and Superintendent in writing of the date, time and location of the hearing.

2. Pre-Hearing Process

- 2.1 Any documentation or written materials to be considered by the Board, in support of the teacher transfer, shall be forwarded by the Superintendent, or their designate, to the Secretary Treasurer not less than seven (7) calendar days prior to the scheduled date of the hearing.
- 2.2 Any documentation or written materials to be considered by the Board, in objection to the teacher transfer, shall be forwarded by the teacher to the Secretary Treasurer not less than seven (7) calendar days prior to the scheduled date of the hearing.
- 2.3 Not less than four (4) calendar days prior to the hearing, the Secretary Treasurer shall provide copies to each of the parties of all relevant documentation received from the parties.
- 2.4 The teacher or the Superintendent may be accompanied by counsel or other representative(s) if, not less than seven (7) calendar days prior to the scheduled date of the hearing, the names of counsel or other representatives are provided by the teacher or the Superintendent in writing to the Secretary Treasurer.

- 2.5 The teacher or the Superintendent may request to bring witnesses if, not less than four (4) calendar days prior to the scheduled date of the hearing, the names are provided by the teacher or the Superintendent in writing to the Secretary Treasurer.
- 2.5.1 The request to bring witnesses must include an explanation satisfactory to the Secretary Treasurer, as to why the witnesses' evidence may not be adequately presented in writing.
- 2.5.2 The Secretary Treasurer shall, within two (2) business days of receiving the request, advise in writing, the party who has made the request whether or not the request is granted.
- 2.6 The teacher may at any time up to the start of the hearing, withdraw in writing their request for a hearing before the Board.

3. Hearing Process

- 3.1 To protect the confidentiality of the proceedings, the hearing shall be conducted as an in-camera session of the Board with only the parties involved in the hearing in attendance.
- 3.1.1 Witnesses, if any, will only be allowed to be in attendance when required.
- 3.2 Notes of the proceedings will be recorded solely for the purpose of maintaining minutes for the Board's corporate records.
- 3.3 Once in-camera, the sequence of the hearing shall be as follows:
- 3.3.1 The Board Chair will introduce members of the Board in attendance and request the parties to introduce themselves.
- 3.3.2 The Secretary Treasurer will provide a copy of relevant written documentation submitted by each party to members of the Board.
- 3.3.3 The Board Chair will outline the purpose of the hearing, which is to provide:
- 3.3.3.1 Opportunity for the parties to make representation in support of their respective positions, and
- 3.3.3.2 Opportunity for the Board to receive information and deliberate and make a decision regarding the teacher transfer.
- 3.3.4 Oral presentation by the Superintendent or designate, including evidence by witnesses if any, explaining the decision and reasons for the transfer;
- 3.3.5 Oral presentation by the teacher, including evidence by witnesses if any, explaining the reasons for their objection to the transfer;
- 3.3.6 The Superintendent or designate will be provided an opportunity to respond to the teacher's presentation;
- 3.3.7 The teacher's will be provided an opportunity to respond to the Superintendent's or designate presentation;

- 3.3.8 The Board will be provided the opportunity to ask clarifying questions of either party or any of the witnesses;
- 3.3.9 The Superintendent or designate will be provided the opportunity to make final comments; and
- 3.3.10 The teacher will be provided an opportunity to make final comments.
- 3.4 Requests for a recess or adjournment may be granted by the Board Chair to allow for members of the Board to read through written documentation or for parties to prepare a response to the other party's presentation.
 - 3.4.1 If a recess or an adjournment is granted during a hearing, members of the Board are prohibited from disclosing the evidence presented or discussing matters raised at the hearing, either amongst themselves or with the parties and their representatives or witnesses until the hearing is reconvened.

4. Deliberation

- 4.1 The Board will meet without the respective parties to the hearing in attendance. The Board may have the Secretary Treasurer and/or legal counsel in attendance.
- 4.2 The Board will deliberate in private and review information provided by both parties to arrive at a decision regarding the transfer. The decision will be either to:
 - 4.2.1 Support the decision of the Superintendent or designate to transfer the teacher, or
 - 4.2.2 Overturn the decision of the Superintendent or designate to transfer the teacher.
- 4.3 If the Board requires additional information or clarification, both parties will be recalled and the request for information will be made in the presence of both parties.
 - 4.3.1 If the information is not readily available, or if either parties are no longer available, the Board Chair will call a recess or adjourn the meeting to a later date at the call of the Chair.
 - 4.3.2 Members of the Board are prohibited from discussing the 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.
 - 4.3.3 In the case of adjournment, the Secretary Treasurer will retain all written documentation shared with members of the Board until such time as the hearing resumes.

5. Decision

- 5.1 When the Board is ready to make its decision, both parties, if still present, will be advised that the Board will be reverting to the public Special meeting.
- 5.2 The Board will come out of in-camera to consider a resolution on the matter.



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- 5.2.1 The resolution will indicate the teacher's employee number so as to maintain confidentiality of the teacher.
- 5.3 The Board decision will be communicated to the teacher by the Secretary Treasurer following the hearing, and confirmed in writing by the Board.

Legal Reference:

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