Policy 13

HEARINGS ON TEACHER TRANSFERS BY CHIEF SUPERINTENDENT

The Chief Superintendent may transfer a teacher in accordance with the relevant section 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 (Chief Superintendent) transfer. Prior to the commencement of the hearing, Trustees shall declare any conflict of interest and excuse themselves from the proceedings.

Specifically

1. A teacher who has received a notice of transfer may, within five (5) days from the day on which the teacher receives the notice of transfer, make a written request to the Board to have a hearing before the Board for the purpose of objecting to the transfer.

2. The request for a hearing before the Board shall be submitted by the teacher to the Board Secretary with a copy being provided to the Chief Superintendent.

3. The Board may set a date and time for the hearing requested not earlier than seven (7) days after the teacher receives the notice of transfer, unless the teacher agrees in writing to an earlier date.

4. The Board Secretary shall advise the teacher in writing of the date, time and location of the hearing.

5. Any written materials the teacher or the Chief Superintendent wishes Trustees to consider must be submitted to the Corporate Secretary not less than three (3) days prior to the scheduled date of the meeting. The Corporate Secretary will provide copies of all such documentation to the Trustees and the parties prior to the hearing.

6. The teacher or the Chief Superintendent may be accompanied by counsel or other representative, and may bring witnesses if, not less than three (3) days prior to the scheduled date of the meeting, the following is provided by the teacher or the Chief Superintendent in writing, the names of counsel, other representatives, and any witnesses.

7. Notwithstanding, the Board Chair shall reserve the right to receive further documentation as deemed relevant.

8. Procedure at Hearings

   8.1 The Chair shall inform those present of any declared conflict of interest on the part of any absent Trustee and will ensure that Trustees present have an opportunity to declare a conflict of interest.

   8.2 The hearing shall be conducted at an in-private session of the Board, and chaired by the Board Chair, or in the Board Chair's absence, the Vice-Chair or designate.

8.3 The Board Chair will introduce all parties, and the parties or their representatives shall introduce all witnesses at the hearing.

8.4 The sequence of the hearing shall be as follows:

8.4.1 An opening statement to be made by each of the parties;

8.4.2 Written and oral presentation by the Chief Superintendent or designate, including any evidence by witnesses where appropriate;

8.4.3 Written and oral presentation by the teacher, including any evidence by witnesses where appropriate;

8.4.4 Chief Superintendent's or designate's opportunity for a response to the teacher's presentation;

8.4.5 Teacher's opportunity for a response to the Chief Superintendent's presentation;

8.4.6 An opportunity for the Board to ask questions of both parties and any questions of clarification of both parties and any of the other witnesses;

8.4.7 An opportunity for the Chief Superintendent or designate to make final comments; and

8.4.8 An opportunity for the teacher to make final comments.

8.5 The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Board may have the Board Secretary or legal counsel in attendance.

8.6 If the Board requires additional information or clarification in order to make its decision, both parties will be recalled to appear before the Board and any request for additional information or clarification will be made in the presence of both parties. If any required information is not readily available, the Board Chair may direct that the hearing is recessed, or if necessary, direct that the hearing be adjourned to a later date. In the case of an adjournment, Trustees are prohibited from disclosing 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.

8.7 When the Board is ready to make its decision on the matter, both parties, if still present, will be advised that the Board will be reconvening and will consider a motion to move into a regular or special Board meeting in order to consider the resolution.

8.8 The Board decision will be communicated to the teacher, in writing, following the hearing.

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Legal Reference: Education Act, Sections 51, 52, 53, 54, 202, 203, 204, 206, 209, 210, 212, 213, 215, 217, 218, 219, 222