



# Board Policy 14

## Hearings on Teacher Transfers

The Superintendent may transfer a teacher in accordance with the relevant section of the School 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 other 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:
  - 6.1 The names of counsel, other representatives, and any witnesses; and
  - 6.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.
7. At the hearing on teacher transfer appeals, the following procedural rules will apply:
  - 7.1 Notes of the proceedings will be recorded for the purposes of the Board's records.
  - 7.2 The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
  - 7.3 If the Superintendent considers it necessary to have witnesses appear with respect to the transfer decision, they shall be called to appear prior to the teacher making any representations.



# Board Policy 14

## Hearings on Teacher Transfers

- 7.4 Trustees shall ask questions of a witness only after the party calling the witness has completed its presentation.
- 7.5 The presentation of the teacher's case shall commence after the Superintendent has presented his/her evidence.
- 7.6 After the teacher's closing statement, the Superintendent shall have an opportunity to respond to information presented by the teacher.
- 7.7 Board members will have the opportunity to ask questions or clarification from both parties.
- 7.8 No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
- 7.9 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.
- 7.10 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.
- 7.11 The Board decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal Reference:

- School Act, R.S.A. 2000, C. S-3, S. 104, 105, 107, 109

Adopted January, 2006

Reviewed April 28, 2009