

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. Transfers

- 1.1 A teacher who has been given a notice of transfer by the Superintendent, may 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 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.
- 1.3 The Board may set a date and time for the hearing requested not earlier than 14 calendar days after the teacher receives the notice of the 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.

2. Provision of Information

- 2.1 Any written materials the teacher or the Superintendent wishes trustees to consider must be submitted to the Secretary Treasurer not less than four (4) days prior to the scheduled date of the meeting. The Secretary Treasurer will provide copies of all such documentation to the parties prior to the meeting, where possible, and to the trustees at the hearing.
- 2.2 The teacher and/or the Superintendent may be accompanied by counsel or other representatives and may bring witnesses if the names of counsel, representatives or witnesses are provided in writing to the Secretary Treasurer not less than four (4) calendar days prior to the scheduled date of the meeting.
- 2.3 Notwithstanding, the Board Chair shall reserve the right to receive further documentation or witnesses as deemed relevant or necessary to the determination.
- 2.4 The teacher and/or Superintendent may be represented by counsel or a representative. In the event a teacher retains either counsel or a representative, the cost of such services, if any, will be incurred at the teacher's own expense.

3. Procedure at Hearings

If a teacher fails to attend the hearing, they will not be entitled to any further notice and the Board shall hold the hearing in the absence of the teacher, except under extraordinary circumstances as provided in writing by the teacher to the Board Chair in a timely fashion. In this event, the Board shall hold the hearing in the absence of the teacher.

At the hearing, the following procedural rules shall apply:

- 3.1 The Board hearing will be held in-camera at either a Regular Board Meeting or a Special Board Meeting, with specified individuals in attendance, including but not limited to the Superintendent, and the Secretary Treasurer or delegates.
 - 3.1.1 The Board, at its sole discretion, may record the hearing by electronic means. Where recording will take place, the parties shall be advised, by the Board Chair, at the commencement of the hearing.
 - 3.1.2 The Board, at its sole discretion, may retain legal counsel for the proceedings.
 - 3.1.3 The Secretary Treasurer or delegate may take notes of the proceedings for the purposes of the Board's records.
- 3.2 The Board Chair shall introduce all parties, and the parties or their representatives shall introduce all witnesses at the hearing.
- 3.3 The sequence of the hearing shall be as follows:
 - 3.3.1 An opening statement to be made by each of the parties;
 - 3.3.2 Written and oral presentation by the Superintendent or designate, including any evidence by witnesses where appropriate;
 - 3.3.3 Written and oral presentation by the teacher; including any evidence by witnesses where appropriate;
 - 3.3.4 Superintendent's or designate's opportunity for a response to the teacher's presentation;
 - 3.3.5 Teacher's opportunity for a response to the Superintendent's or designate's presentation;
 - 3.3.6 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;
 - 3.3.7 An opportunity for the Superintendent or designate to make final comments;
 - 3.3.8 An opportunity for the teacher to make final comments; and
 - 3.3.9 No cross-examination of witnesses shall be allowed unless the Chair deems it advisable.

- 3.4 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 Secretary Treasurer and/or legal counsel in attendance.
- 3.5 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 the request for information will be made in the presence of both parties.
 - 3.5.1 If the information is not readily available, the Board Chair may request a recess, or if necessary an adjournment of the hearing to a later date.
 - 3.5.2 In the case of an adjournment, members of the Board 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.
- 3.6 In reaching a decision, the Board shall have regard only to the evidence, argument and submissions made at the hearing and the debate during the deliberations, and not to any information that may have come into its possession prior to or outside the course of the hearing itself, unless it notifies the parties of this information and gives the parties an opportunity to make submission in this regard.
- 3.7 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.
- 3.8 The Board decision will be communicated to the teacher, in writing, following the hearing.
- 3.9 If a member of the Board who has participated in a hearing becomes unable, for any reason, to complete the hearing or to participate in the decision, the remaining trustees may complete the hearing and give a decision.
- 3.10 A member of the Board who has not been present through the whole of the hearing shall not take part in the deliberations, the decision or the reasons.

Reference:

Sections 19, 60, 61, 95, 96, 98, 101, 102, 104, 105, 107, 109.1, 110, 113 [School Act](#)
[Policy 11 Delegation of Authority](#)
[AP 40-07 Employee Assignment and Transfer](#)
[AP 40-13 Employee Discipline](#)
[AP 40-19 Staff Reduction](#)