

Board Policy 14

Hearings on Teacher Transfers

In the event that a teacher objects to a transfer, the Board follows a specific procedure for a hearing.

1. Request for a Hearing

- 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 fourteen (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.

2. Pre-Hearing Process

- 2.1 Any written materials the teacher or the Superintendent wishes the Board to consider must be submitted to the Secretary-Treasurer, where possible, not less than four (4) days prior to the scheduled date of the hearing. The Secretary-Treasurer will provide copies to the Trustees at the hearing.
- 2.2 Notwithstanding the above, the Board Chair shall reserve the right for the Board to receive such further documentation as is deemed relevant at the Board hearing.
- 2.3 The teacher or the Superintendent may be accompanied by counsel or another 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:
 - 2.3.1 The names of counsel, other representatives, and any witnesses; and
 - 2.3.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

- 2.4 The Board Chair shall advise, in writing, the party who has requested permission to bring witnesses to the hearing as to whether or not the request will be granted, as soon as reasonably practical after receiving the application.
- 2.5 Notwithstanding the foregoing, the Board Chair shall reserve the right to allow such witnesses to appear at the hearing as are deemed relevant or necessary to the determination.

3. **Procedure at Hearings**

- 3.1 The Secretary-Treasurer will keep a record of the proceedings. The Board, in its sole discretion, may record the hearing via electronic means. Where recording will take place, the parties shall be advised by the Board Chair at the commencement of the hearing.
- 3.2 The hearing shall be conducted at a closed session of the Board and chaired by the Board Chair, or in the Chair's absence, the Vice-Chair or designate.
- 3.3 The Board Chair shall introduce all parties, and the parties and/or their representatives shall introduce all witnesses at the hearing.
- 3.4 The sequence of the hearing shall be as follows:
 - 3.4.1 Consideration of any preliminary objections;
 - 3.4.2 An opening statement to be made by each of the parties;
 - 3.4.3 Written and oral presentation by the Superintendent or designate, including any evidence by witnesses where appropriate;
 - 3.4.4 Written and oral presentation by the teacher, including any evidence by witnesses where appropriate;
 - 3.4.5 Superintendent's opportunity for a response to the teacher's presentation;
 - 3.4.6 Teacher's opportunity for a response to the administration's presentation;
 - 3.4.7 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;

- 3.4.8 An opportunity for the Superintendent or designate to make final comments;
- 3.4.9 An opportunity for the teacher to make final comments; and
- 3.4.10 No cross-examination of witnesses shall be allowed unless the Board Chair deems it advisable.
- 3.5 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 Secretary-Treasurer and/or legal counsel in attendance.
- 3.6 The Board shall draft a resolution indicating its position. This resolution is to indicate with employee's number so as to maintain confidentiality.
- 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's decision will be communicated to the teacher by telephone and confirmed in writing, following the hearing.

4. Requests for Adjournment

- 4.1 The Board Chair will consider all requests for adjournment at any time before or during the hearing process.
- 4.2 When the Board Chair grants an adjournment, Trustees shall not disclose or discuss the evidence presented or other matters related to the hearing, either among themselves or with the parties and their representative and witnesses, until the hearing is reconvened.

Reference: Sections 33, 52, 53, 212, 222 Education Act