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**POLICY 14**  
**HEARINGS ON TEACHER MATTERS**

The Superintendent may transfer a teacher in accordance with section 104 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.

The Board shall conduct any hearings concerning the transfer of a teacher pursuant to Section 104 of the School Act, in accordance with these procedures.

**Specifically**

Transfers

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 days of receipt of the transfer notice.
2. The request for a hearing before the Board shall be submitted by the teacher to the Assistant Superintendent – Business Services 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 Assistant Superintendent - Business Services shall advise the teacher in writing of the date, time and location of the hearing.

Adjournments

1. Requests for adjournments may be granted by the Board Chair, where determined to be reasonable in the Board Chair's sole discretion. An application for an adjournment shall be made in the following manner.
  - 1.1 Where the request for the adjournment is made in advance of the hearing, it shall be made in writing to the Corporate Secretary by the teacher or the Superintendent no less than seven days before the originally scheduled date of the hearing.
  - 1.2 A request for an adjournment, although not submitted in accordance with clause 1.1 if supported with reasons that the Board Chair considers valid, including the reason the request was not submitted within the required time period, may be made in writing through the Corporate Secretary.

- 1.3 The Board Chair may seek written submissions from each of the parties about whether to grant the adjournment.
- 1.4 The Board Chair may take into consideration the timing of the request for the adjournment, the stated reasons for the request, the prior history of requests for the adjournment of the matter, and the submissions made by the parties.
- 1.5 Where adjournments are granted in the course of a hearing, 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.

### Pre Hearing processes

1. Any written materials the teacher or the Superintendent wishes the Board to consider must be submitted to the Corporate Secretary, where possible, not less than four (4) calendar days prior to the scheduled date of the meeting. These materials will be exchanged between the teacher and the Superintendent, and only provided to the Board in advance of the hearing. In such cases, the materials will be provided to the Board no earlier than four (4) calendar days prior to the scheduled date of the hearing.
2. Notwithstanding the above, the Board Chair shall reserve the right to receive such further documentation as is deemed relevant at the Board hearing.
3. The teacher or the Superintendent may be accompanied by counsel or another representative, and may bring witnesses if, not less than four (4) calendar days prior to the scheduled date of the meeting, the following is provided by the teacher or the Superintendent in writing:
  - 3.1 The names of counsel, other representatives, and any witnesses; and
  - 3.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.
  - 3.3 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.
  - 3.4 Notwithstanding the foregoing, the Board Chair reserves the right to allow such witnesses to appear at the hearing as are deemed advisable in light of all the circumstances.

### Procedure at Hearings

1. The Corporate Secretary will keep notes of the proceedings. The Board, in its sole discretion, may record the hearing via electronic means.
2. The hearing shall be conducted at an in-camera session of the Board.
3. The Chair will introduce all parties, and the parties and/or their representatives shall introduce all witnesses at the hearing.

The sequence of the hearing shall be as follows:

Consideration of any preliminary objections.

- 3.1 The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
  - 3.2 Submissions by administration, including any evidence by witnesses, where appropriate.
  - 3.3 Submissions by the teacher, including any evidence by witnesses, where appropriate.
  - 3.4 An opportunity for administration to respond to the teacher's submissions.
  - 3.5 An opportunity for the teacher to respond to administration's submissions.
  - 3.6 An opportunity for Trustees to ask questions of both parties and any of their witnesses will be made after each party's presentation. A Trustee may, through the Board Chair, also ask questions of a witness after the party calling the witness has completed their presentation.
  - 3.7 An opportunity for administration to make final comments.
  - 3.8 An opportunity for the teacher to make final comments.
4. No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
  5. The Board will meet without the respective parties to the proceeding in attendance to arrive at a decision regarding the matter. The Corporate Secretary will remain in attendance. The Board may have legal counsel in attendance.
  6. If the Board requires additional information or clarification in order to make its decision, both parties to the matter will be requested to return to the hearing for the required additional information.
  7. The Board decision and the reasons for that decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal Reference: Section 104, 105, 107, 109, School Act

Developed: November 2005  
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