

HEARINGS ON TEACHER TRANSFERS

Background

The Superintendent may transfer a teacher in accordance with Section 212 of the *Education Act*. The teacher may make a written request to the Board of Trustees to have a hearing before the Board for the purpose of objecting to the transfer. A transfer means that the Superintendent has transferred the teacher from one school to another school. If the new school is not identified, then the transfer has not been completed. Similarly, the transfer is not complete unless the teacher has received notice of the transfer, which must include the Superintendent's reasons for the transfer.

Guidelines

1. Teacher-transfer hearings: Specifics

- 1.1. A teacher who has received a notice of transfer and the reasons for the transfer may, within seven 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.
- 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 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.
- 1.5. Any documentation or written materials to be considered by the Board in support of the teacher transfer shall be forwarded by the Superintendent, or their designate, to both the teacher and the Secretary-Treasurer not less than seven days before the scheduled date of the hearing.
- 1.6. Any documentation or written materials to be considered by the Board in objection to the teacher transfer shall be forwarded by the teacher to both the Superintendent, or their designate, and the Secretary-Treasurer not less than seven days prior to the scheduled date of the hearing.
- 1.7. At the discretion of the Board, if materials are submitted less than seven days prior to the hearing, the Board shall either accept the materials and continue with the hearing or adjourn the hearing.
- 1.8. The teacher may be accompanied, at their own expense, by counsel or other representatives, and may bring witnesses if, not less than seven days prior to the scheduled date of the meeting, the following is provided by the teacher to the Secretary-Treasurer and the other party in writing:
 - 1.8.1. the names of other representatives; and
 - 1.8.2. any witnesses.

- 1.9. Notwithstanding, the Board shall reserve the right to receive further documentation as deemed relevant.

2. Teacher-transfer hearings: Procedure

- 2.1. The teacher-transfer hearing shall be conducted at an in-camera session of the Board, and chaired by the Board Chair, or in the Board Chair's absence, the Board Vice-Chair, or designate.
- 2.2. The Board Chair shall introduce all parties, and the parties or their representatives shall introduce all witnesses at the hearing.
- 2.3. The sequence of the hearing shall be as follows:
 - 2.3.1. an opening statement may be made by the teacher;
 - 2.3.2. an opening statement may be made by the Superintendent or designate;
 - 2.3.3. written and oral presentation by the teacher, including any evidence by witnesses where appropriate;
 - 2.3.4. written and oral presentation by the Superintendent, or designate, including any evidence by witnesses where appropriate;
 - 2.3.5. Superintendent's or designate's opportunity for a response to the teacher's presentation;
 - 2.3.6. teacher's opportunity for a response to the Superintendent's or designate's presentation;
 - 2.3.7. an opportunity for the Board to ask questions of clarification of both parties and any of the other witnesses;
 - 2.3.8. an opportunity for the Superintendent or designate to make final comments;
 - 2.3.9. an opportunity for the teacher to make final comments; and
 - 2.3.10. no cross-examination of witnesses shall be allowed.
- 2.4. The Board shall 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 or legal counsel in attendance.
- 2.5. If the Board requires additional information or clarification to make its decision, both parties will be recalled to appear before the Board, and the request for information shall be made in the presence of both parties. 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.
 - 2.5.1. 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.
- 2.6. When the Board is ready to make its decision on the matter, both parties, if still present, shall be advised that the Board will be reconvening and shall consider a motion to move into a regular or special Board meeting to consider the resolution.
- 2.7. The Board's decision shall be communicated to the teacher, in writing, following the hearing within five business days.

References

Sections 33, 52, 53, 212, 222 *Education Act*

Last reviewed:	Last updated:
April 11, 2013	April 18, 2013
Sept. 17, 2015	Sept. 17, 2015
Jan. 18, 2016	Feb. 18, 2016
Dec. 12, 2016	Jan. 26, 2017
Aug. 30, 2018	Aug. 30, 2018
Dec. 11, 2019	Dec. 11, 2019
Oct. 13, 2020	
Feb. 8, 2022	March 1, 2022
Feb. 14, 2023	March 16, 2023
Jan. 10, 2024	Jan. 25, 2024