

## BOARD HEARINGS ON TEACHER TERMINATIONS AND TEACHER TRANSFERS

The Superintendent may, subject to the restrictions set out in the Collective Agreement with the Alberta Teachers' Association, transfer a teacher in accordance with section 104 of the *School Act*. The teacher may make a written notice to the Board to request a hearing for the purpose of objecting to the transfer in accordance with section 104 of the *School Act*

The Superintendent may make a recommendation to the Board to terminate a contract of employment with a teacher or to terminate a designation of a teacher. In terminating a contract of employment or a designation, the Board shall act reasonably.

### A. Transfer Pre-Hearing Process

1. A teacher who has been given a notice of transfer by the Superintendent may by written notice to the Board request a hearing for purpose of objecting to the transfer, provided the time limits in section 104 of the School Act for doing so are adhered to.
2. The written request for a hearing before the Board shall be submitted by the teacher 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 Superintendent shall advise the teacher in writing of the date, time and location of the hearing. The Superintendent should also advise the teacher that he or she may attend the meeting and be represented and that both the teacher and his or her representative, if any, may make submissions to the Board.

### B. Termination of Contract or Designation Pre-Hearing Process

1. When the Superintendent has decided to make a recommendation to the Board to terminate a teacher's contract that is a continuing contract, a probationary contract, or an interim contract, or has decided to make a recommendation for termination of an administrative designation, the Superintendent shall:
  - 1.1 Advise the Board that a meeting is required to deal with a personnel matter with a recommendation for action but no details will be shared with the Board in order to avoid possible bias.

2. Have the Board set a meeting date which may be part of a regular Board meeting or a Special Meeting provided that if a Special Meeting is called the requirements of the School Act regarding holding a Special Meeting are adhered to.
3. Within a reasonable time prior to the meeting at which the recommendation of the Superintendent will be made, provide the teacher with a written notice setting out the recommendation that will be made, the reasons for the recommendation, and the date, time and place of the hearing. The Superintendent should also advise the teacher that he or she may attend the meeting and be represented and that both the teacher and his or her representative, if any, may make submissions to the Board.
4. Provide all documentation that will be relied on by the Superintendent to support the recommendation to the teacher with the notice referred to in paragraph 3 above.
5. Requests for further particulars / documents and requests for adjournments will be dealt with by the Superintendent as an administrative matter on a case by case basis based on what may be fair and reasonable in the circumstances.

#### C. Pre-Hearing Exchange of Information

1. It is desirable that any written materials the teacher or the Superintendent may wish the Board to consider be submitted not less than four days prior to the scheduled date of the meeting.
2. The Superintendent shall offer the teacher the opportunity for both the Superintendent and the teacher to provide all relevant documents to the Board in advance of the meeting but the teacher shall not be bound to do so. If the teacher agrees to provide documents in advance then the Superintendent shall arrange to provide documents from the teacher and those the Superintendent will rely on to the Board in advance of the meeting. If the teacher does not agree then no documents will be provided to the Board prior to the meeting.

#### D. Procedure at Hearings

1. The Board needs to first move into Camera to deal with a personnel item.
2. The Board Chair facilitates introductions of:
  - (i) *Board members*
  - (ii) *Admin staff*
  - (iii) *Teachers and their representative(s)*
3. The Board Chair confirms that witnesses will not be called or sworn and the proceeding will not be recorded in any manner provided that each person involved may take notes for his or her private use. Trustees will retain all materials presented during the hearing.
4. The Board Chair will confirm that:

- a) Administration will present first,
- b) the Board can then ask for any questions of clarification of the information presented but no cross examination is allowed,
- c) the Teacher and his or her representative can then ask any questions for clarification but no cross examination is allowed,
- d) the Teacher and his or her representative can then make their presentation,
- e) the Board can then ask for any questions or clarification of the information presented but no cross examination is allowed,
- f) the Administration can then ask questions for clarification but no cross examination is allowed,
- g) a final statement is then made by Administration,
- h) a final statement is then made by the Teacher and his or her representative,
- i) the Board remains in camera but asks all parties to leave and remain available in case additional information is needed,
- j) if additional information is needed the parties are reconvened and the question is put and answered in the presence of everyone,
- k) if the Board does not need additional information it reconvenes, moves into public meeting and passes its motion,
- l) the Board directs administration to provide notice of its decision in accordance with any governing legislation,
- m) Trustees retain all materials presented during the hearing.

#### E. Expiration of Contract Not a Termination

1. This Policy does not apply to cases where an administrative decision is made to permit a term contract of employment or of a designation to expire according to its terms.

#### F. Interpretation

1. In this Policy reference to the Superintendent means the Superintendent of Schools or the person to whom the Superintendent has delegated any function.

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

**Adopted: August 2004**  
**Revised: March 2013**  
**Reviewed: May 2014**