

## Policy 12

# Appeals and Hearings Regarding Teacher Matters

### BOARD POLICY #12

POLICY TITLE **Appeals and Hearings Regarding Teacher Matters**

POLICY HOLDER **Board of Trustees Palliser Regional Schools**

ORIGINAL DATE **July 2017**

REVIEW DATE **November 2019**

REVISED DATE

NEXT REVIEW

#### **Policy Statement:**

To manage the School Division effectively the Superintendent may transfer a teacher in accordance with Section 212 of the Education Act. Teachers may appeal the transfer and request a hearing before the Board for the purpose of objecting to the transfer.

#### **Board Action:**

1. Transfers
  1. A teacher who has been given a notice of transfer by the Superintendent must 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.
  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.
  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.
  4. The Secretary Treasurer shall advise the teacher in writing of the date, time and location of the hearing.
2. Provision of Information
  1. Any written materials the teacher or the Superintendent wishes trustees to consider must be submitted to the Secretary-Treasurer, where possible, not less than four (4) days prior to the scheduled date of the meeting. The Secretary-Treasurer will provide copies to the trustees, the Superintendent and the teacher.
  2. The teacher or the Superintendent may be accompanied by counsel or other 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:
    1. The names of counsel, other representatives, and any witnesses; and
    2. An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.
3. Procedure at Hearings
  1. Notes of the proceedings will be recorded for the purposes of the Board's records. 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.

2. The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
3. If the Superintendent considers it necessary to have witnesses appear on behalf of the recommendation, they shall be called to appear prior to the teacher making any representations.
4. Trustees shall ask questions of a witness only after the party calling the witness has completed its presentation.
5. The presentation of the teacher's case shall commence after the Superintendent has presented his/her evidence.
6. After the teacher's closing statement, the Superintendent shall have an opportunity to respond to information presented by the teacher.
7. Board members will have the opportunity to ask questions or clarification from both parties.
8. No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
9. The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Secretary-Treasurer will remain in attendance. The Board may have legal counsel in attendance.
10. If the Board requires additional information or clarification in order to make its decision, both parties to the appeal will be requested to return to the hearing for the required additional information. 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. In the case of an adjournment, members of the Board are prohibited from discussing 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.
11. The Board decision will be communicated to the teacher by telephone and confirmed, in writing, following the hearing.

**Scope and Limitations of Superintendent:**

The policy outlines the role of the Superintendent in this process.

**Information and Monitoring Requirements:**

The Board shall keep records of all proceeding under this policy as required by Legislation.

Legal Reference: Section 33, 52, 53, 212, 222 Education Act