

HEARINGS ON TEACHER MATTERS

The *School Act*, Section 104, provides a teacher who wishes to object to a transfer with the right to request a meeting before the Board.

The Superintendent will provide teachers whose contracts of employment or administrative designations are being considered for termination an opportunity to be heard by the Superintendent prior to making a decision in accordance with this policy.

The Superintendent may suspend a teacher from the performance of a teacher's duties in accordance with subsections 105(1) and 105(2) of the *School Act*. The power to suspend the services of a teacher may not be further delegated. The teachers may appeal such suspension to a Board of Reference.

Specifically

1. Transfer:
 - 1.1 A teacher who wishes to object to a notice of transfer given by the Superintendent may request in writing a meeting before the Board within seven days of receipt of the notice.
 - 1.2 The request for a meeting before the Board shall be submitted by the teacher to the Superintendent.
 - 1.3 The Board may set a date for the meeting that is not earlier than 14 days after the teacher received the notice of transfer, unless the teacher agrees in writing to an earlier date.
 - 1.4 The Superintendent shall advise the teacher in writing of the date, time and location of the meeting.
 - 1.5 Where the teacher has requested a meeting, the teacher shall not be transferred until after the meeting before the Board has been held.
2. Suspension of Teaching Contract or Designation
 - 2.1 Where the Deputy Superintendent will be recommending a decision on the suspension of a teaching contract or designation to the Superintendent, the Deputy Superintendent will provide the following to the teacher:
 - 2.1.1 The recommendation to suspend the contract of employment and the reason for the recommendation.
 - 2.1.2 The date, time and location of a meeting at which the Superintendent will consider the recommendation.
 - 2.1.3 The right of the teacher to attend the meeting referenced in 2.1.2 and make representations to the Superintendent.
 - 2.1.4 The right to seek representation from the Alberta Teachers' Association and legal counsel.

- 2.2 Should the teacher wish to have an opportunity to be heard by the Superintendent at the meeting referred to in 2.1.2 above to object to the suspension, a written request for such shall be submitted to the Superintendent not case less than two business days prior to the meeting scheduled pursuant to section 2.1.2 above. The teacher shall also state whether or not he/she will be represented by council, provide the names of any other representatives and any relevant written material that the teacher wishes to have considered by the Superintendent.
3. Termination of Teaching Contract or Designation
 - 3.1 Where the Superintendent will be making a decision on the termination of a teaching contract or designation, the Superintendent, or designate, will provide the following to the teacher:
 - 3.1.1 The recommendation to terminate the contract of employment and the reason for the recommendation.
 - 3.1.2 The date, time and location of a meeting at which the Superintendent will consider the recommendation.
 - 3.1.3 The right of the teacher to attend the meeting referenced in 2.1.2 and make representations to the Superintendent.
 - 3.1.4 The right to seek representation from the Alberta Teachers' Association and legal counsel.
 - 3.2 Should the teacher wish to have an opportunity to be heard by the Superintendent at the meeting referred to in 2.1.2 above to object to the termination, a written request for such shall be submitted to the Superintendent not case less than two business days prior to the meeting scheduled pursuant to section 2.1.2 above. The teacher shall also state whether or not he/she will be represented by council, provide the names of any other representatives and any relevant written material that the teacher wishes to have considered by the Superintendent.
4. Notwithstanding the foregoing, in the event that the Superintendent determines that a recommendation for termination of a teacher's contract of employment or designation, in light all the circumstances (which relevant circumstances shall be determined at the Superintendent's sole discretion), be made by the Board rather than the Superintendent, the Superintendent shall advise the Board Chair, in writing, that the Superintendent will be referring a recommendation for termination of a teacher's contract of employment or designation to the Board for the Board's consideration. The Board shall, on a case by case basis, as recommended by the Superintendent, retain jurisdiction to hear and decide all such recommendations for termination of a teacher's contract of employment or designation.
5. Procedure to be followed at Board Hearing on Transfer Pursuant to Section 1
 - 5.1 The Board Chair will call the meeting to order and explain that the meeting will be held in-camera and will provide:
 - 5.1.1 An opportunity for the Superintendent and the teacher to make representation in support of their respective positions, and to provide relevant evidence they feel may impact upon the dispute.
 - 5.1.2 The Board with an opportunity to receive relevant information and to review the facts of the dispute.

- 5.1.3 A process through which a decision is considered and reached in a fair and impartial manner.
- 5.2 Minutes of the meeting will be taken by the recording secretary and kept for the Board's record.
- 5.3 The Superintendent shall present evidence on behalf of the recommendation and have any witnesses appear that the Superintendent considers necessary.
- 5.4 The teacher will then be given the opportunity to make a presentation to the Board and to respond to any information provided to the Board by the Superintendent or any witnesses that may have been called.
- 5.5 Board members may ask questions of clarification through the Board Chair, of the Superintendent or any witness that has been called by the Superintendent or of the teacher and any representative that the teacher may have called, after hearing from both parties.
- 5.6 Cross-examination by either the Superintendent or the teacher will not be permitted.
- 5.7 The teacher, and then the Superintendent, will be provided with the opportunity to make a brief closing statement to the Board.
- 5.8 The Board shall meet without those involved directly in the dispute in order to arrive at a decision. The Board has the right to call upon legal advisors to assist them on points of law or the drafting of a resolution.
- 5.9 The Board shall identify those individuals it wishes to have in attendance during its deliberations.
- 5.10 If the Board requires additional information or clarification, those involved in the dispute will be requested to return and provide the necessary information.
- 5.11 The Board Chair shall thank the teacher and the Superintendent for their presentations and advise them that the meeting has been adjourned and the decision of the Board will be communicated to them.
- 5.12 The Board decision and the reasons for the decision will be communicated to the teacher by telephone following the meeting and confirmed in writing.
- 5.13 The Board Chair shall advise the Superintendent of the decision of the Board.

Legal Reference: Sections 19, 60, 61, 95, 96, 104, 105, 106, 107, 109, 110 School Act