

HEARINGS ON TEACHER MATTERS

The Battle River School Division includes administration in its definition of “teacher”.

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.

Specifically

1. Transfers

- 1.1 When a teacher is given a notice of transfer by the Superintendent, the individual may, within seven (7) days from the day on which the notice of transfer was received, 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 teacher shall submit a request for a hearing before the Board to the Executive Assistant - Superintendent 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 notice of transfer is received, unless the teacher agrees in writing to an earlier date.
- 1.4 The Executive Assistant - Superintendent shall advise the teacher in writing of the date, time and location of the hearing.

2. Provision of Information

- 2.1 Any written materials the teacher or the Superintendent wishes the Board to consider must be submitted to the recording secretary not less than four (4) days prior to the scheduled date of the meeting. The recording secretary will provide copies to the Board, the Superintendent, and the teacher.
- 2.2 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:
 - 2.2.1 The names of counsel, other representatives, and any witnesses; and
 - 2.2.2 An explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

3. Procedure at Hearings

- 3.1 Notes of the proceedings will be recorded for the purposes of the Board's records.
- 3.2 The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
- 3.3 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.
- 3.4 Trustees shall ask questions of a witness only after the party calling the witness has completed its presentation.
- 3.5 The presentation of the teacher's case shall commence after the Superintendent has presented his/her evidence.
- 3.6 After the teacher's closing statement, the Superintendent shall have an opportunity to respond to information presented by the teacher.
- 3.7 Trustees will have the opportunity to ask questions or clarification from both parties.
- 3.8 No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
- 3.9 The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The recording secretary will remain in attendance. The Board may have legal counsel in attendance.
- 3.10 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.
- 3.11 The Board decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Legal Reference: Section 212, 213, 215, 217 Education Act

Revised: April 30th, 2020