

Policy 14 - Appeals Regarding Teacher Transfers

Teachers may make a written request to the Board to appeal a decision of the Superintendent in accordance with section 212 of the *Education Act* for the purpose of objecting to a transfer. As the Board has delegated the authority to the Superintendent in regard to the suspension and termination of a teacher, all appeals regarding suspension and termination shall be referred to a Board of Reference in accordance with the *Education Act*.

1. Process

- 1.1. Appeal procedures shall ensure full opportunity for the parties to add information, discuss the issues, and state their positions and supporting arguments.
- 1.2. The appeal will be heard in-camera, with specified individuals in attendance.
- 1.3. A teacher who has been given a notice of transfer by the Superintendent must make a written request to the Board to have an appeal hearing before the Board for the purpose of objecting to the transfer within seven (7) days of receipt of the transfer notice.
- 1.4. The request for a hearing before the Board shall be submitted by the teacher to the Assistant Superintendent Human Services with a copy being provided to the Superintendent.
- 1.5. 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.
- 1.6. The Assistant Superintendent Human Services shall advise the teacher in writing of the date, time and location of the hearing.
 - 1.6.1 Any written materials the teacher or the Superintendent wishes trustees to consider must be submitted to the Assistant Superintendent Human Services not less than 4 days prior to the scheduled date of the meeting. The Assistant Superintendent Human Services will provide copies to the trustees, the Superintendent, and the teacher within the specified time period.
 - 1.6.2 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:

- 1.6.2.1 the names of counsel, other representatives and any witnesses;
and
- 1.6.2.2 an explanation satisfactory to the Board Chair as to why the witnesses' evidence may not be adequately presented in writing.

2. Procedures For Appeals To Be Heard By The Board

2.1. The appeal hearing will be conducted in accordance with the following guidelines:

- 2.1.1 The Chair will outline the purpose of the hearing, which is to provide:
 - 2.1.1.1 an opportunity for the parties to make representation in support of their respective positions to the Board; (the information presented may include both written and verbal communications);
 - 2.1.1.2 the Board with the means to receive information and to review the facts of the dispute;
 - 2.1.1.3 trustees shall ask questions of a witness only after the party calling the witness has completed its presentation; and
 - 2.1.1.4 a process through which the Board can reach a fair and impartial decision.
- 2.1.2 Notes of the proceedings will be recorded for the purpose of the Board's records by the Secretary-Treasurer (Secretary to the Board).
- 2.1.3 The Superintendent and the teacher shall be given an opportunity to make introductory and closing statements.
- 2.1.4 The Superintendent shall present information pertaining to the transfer, the process followed and the reasons for the transfer.
- 2.1.5 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.
- 2.1.6 The presentation of the teacher's case shall commence after the Superintendent has presented his/her evidence.
- 2.1.7 After the teacher's closing statement, the Superintendent shall have an opportunity to respond to information presented by the teacher.
- 2.1.8 Board members will have the opportunity to ask questions or clarification from both parties.
- 2.1.9 No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.
- 2.1.10 The Board will meet without the respective parties to the appeal in attendance to arrive at a decision regarding the appeal. The Assistant Superintendent Human Services will remain in attendance. The Board may have legal counsel in attendance.
- 2.1.11 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.

2.1.12 The Board decision will be communicated to the appellant by telephone and confirmed in writing following the appeal hearing.

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

Effective: January 29, 2015

Amended: November 10, 2020, January 25, 2024