

The Superintendent may make a recommendation to the Board to terminate a continuous contract of employment with a teacher or to terminate a designation of a teacher. In terminating a continuous contract of employment or a designation, the Board shall act reasonably. Section 231(2) of the *Education Act* makes provision for a teacher on a continuous contract to request a hearing before the Board with regard to termination of a continuous teacher contract or designation and/or suspension. The Board will hold hearings dealing with the termination of a designation, a contract of employment, or a suspension in accordance with this procedure.

The Superintendent may suspend a teacher from the performance of the teacher's duties in accordance with Section 213 and 214 of the *Education Act*. The power to suspend the services of a teacher may not be further delegated. The teacher may appeal the suspension to a Board of Reference.

The Superintendent may terminate the probationary, temporary or interim contract of a teacher during the term of such contract. The power to terminate these contracts of employment referenced may not be further delegated. Section 231 of the *Education Act* does not apply to the termination of a temporary contract of employment.

1. Transfers

The *Education Act* provides a teacher, under a continuous contract, who wishes to object to a transfer with the right to request a hearing before the Board.

- 1.1 A teacher who wishes to object to a notice of transfer given by the Superintendent shall request in writing a hearing before the Board within seven school days of receipt of the notice;
- 1.2 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;
- 1.3 The Board shall set a date for the hearing that is a minimum of fourteen school days after the teacher received the notice of transfer, unless the teacher agrees in writing to an earlier date;
- 1.4 The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the hearing;
- 1.5 The teacher shall not be transferred until after the hearing before the Board has been held and the decision of the Board has been communicated to the teacher; and
- 1.6 Should the Board support the decision of the Superintendent to transfer the teacher, the teacher shall be advised of his/her right to resign from the teaching staff of the Board.

2. Termination of Teaching Contract or Designation

- 2.1 Where the Superintendent has made a recommendation to the Board for the termination of a teaching contract or designation, the Superintendent will provide the teacher with a copy of the recommendation within eighteen school days prior to the Board meeting at which the recommendation will be considered.
- 2.2 Should the teacher wish to have a hearing before the Board to object to the termination, a written request for such a hearing shall be submitted to the Secretary-Treasurer with a copy to the Superintendent, within seven school days of the time the teacher was provided with a copy of the Superintendent's recommendation.
- 2.3 The Superintendent shall provide the teacher within seven school days prior to the Board meeting with a copy of all supporting documentation relative to the recommendation for termination as well as the names of any witnesses that may be called.
- 2.4 The Secretary-Treasurer, upon receipt of the teacher's request for a hearing, shall advise the teacher of the date, time and location of the Board meeting at which the hearing will be held.

3. Suspension

- 3.1 Should the Board determine that it is necessary to suspend the services of a teacher for reasons noted in Section 213 (1) of the *Education Act*, the Board shall provide the teacher with written notice of the suspension specifying the reasons for the action.
- 3.2 A teacher wishing to have a hearing before the Board the suspension to the Board must submit a request in writing to the Secretary-Treasurer with a copy being provided to the Superintendent, within seven school days of receipt of the notice of suspension.
- 3.3 The Board shall meet to conduct the hearing within eighteen school days of having received the written request from the teacher.
- 3.4 The Secretary-Treasurer shall advise the teacher in writing of the date, time and location of the Board meeting at which the hearing will be heard.

4. Provision of Information

- 4.1 Any party to the hearing who wishes to have considered by the Board shall provide copies of the material to the Secretary-Treasurer within five days of the meeting.
- 4.2 The Secretary-Treasurer shall make copies of all material that has been submitted and distribute it to the Board and all those involved in the hearing.
- 4.3 The teacher will be advised of his/her right to attend the meeting and be represented by legal counsel or an advocate.

5. Procedure at the Hearing

- 5.1 The Board Chair will call the meeting to order and advise those involved in the hearing that the hearing will provide:
 - 5.1.1 An opportunity for those involved in the hearing to make representation in

support of their position and to provide any evidence they feel may impact on the issue;

5.1.2 The Board with an opportunity to receive information and to review the facts of the dispute; and

5.1.3 A process through which a decision is considered and reached in a fair manner.

5.2 Minutes of the proceedings will be taken and kept for the Board's record.

5.3 The teacher will be given the opportunity to respond to the information provided by the Board, its administration or other witnesses.

5.4 The Board members will be provided the opportunity through the Board Chair, to ask questions of clarification of those involved in the hearing.

5.5 No cross-examination of witnesses shall be allowed, unless the Board Chair deems it advisable.

5.6 The Board will meet without those involved in the hearing in order to arrive at a decision. The Board may have legal counsel in attendance should it so wish.

5.7 If the Board requires additional information or clarification, those involved in the hearing will be requested to return and provide the necessary information.

5.8 The Board decision and the reasons for the decision will be communicated to the teacher by telephone and confirmed in writing following the hearing.

Reviewed/Revised: October 2012, Approved October 22, 2012, March 2014, April 2016

*References: AP 416 – Hearings on Teacher Matters
Section 52, 53, 202, 206, 207, 209, 210, 212, 213, 214, 215, 217, 218, 219, 222, 231, 231(2), 232, 233, 235, 236 of the Education Act
Policy 11 – Role of the Superintendent
Policy 12 – Delegation of Authority
Policy 13 - Appeals*